

Bylaws and Policies of the Board of Education

The School District of the City of Highland Park

Revised Edition

Adopted : May 12, 2020

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Legend:

LR = Legally Required (if applicable)

LC = Legal Content

BP = Best Practice

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Adopted 5/12/20

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DEFINITIONS

Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:

Administrative Guideline

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

Agreement

A negotiated contract.

Apps and Services

Apps and services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100) over a network, or client-server applications in which the user interface runs in a web browser. Apps and services are used to communicate/transfer information/data. Apps and services also are used to facilitate communication to, from and among and between, contractors, Board members and/or other stakeholders and members of the community.

Board

The Board of Education.

Bylaw

Rule of the Board for its own governance.

Chief Administrative Officer

The chief administrator or officer of the District to whom the Board delegates authority and responsibility to carry out the policies established by the Board; including the development of procedures, supervision of personnel, and the maintenance of the total school operation in accordance with the established policies and procedures. A Chief Administrative Officer may be the superintendent, Chief Administrative Officer, or any such other chief business officer designated by the Board; provided however, such officer must be a superintendent who meets the requirements of state law if the District operates schools directly and has primary responsibility for administering instructional programs.

Classified or Support Employee

An employee who provides support to the District's program and whose position does not require a professional certificate.

Contractor

A person who implements or supervises one (1) or more aspects of the District's program.

District

The School District of the City of Highland Park.

Due Process

Procedural due process requires prior knowledge (a posted discipline code), notice of offense (accusation), and the opportunity to respond.

Procedural due process may require consideration of statutorily mandated factors, right to counsel and/or confrontation or cross examination of witnesses, depending upon the situation.

Family Member

"Family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse, and includes these relationships as created by adoption or marriage. (See Bylaw 0144.3)

Full Board

Authorized number of voting members entitled to govern the District.

Information Resources

The Board defines Information Resources to include any data/information in electronic, audio-visual or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes but is not limited to electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, web sites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting or retrieving electronic communications.

May

This word is used when an action by the Board or its designee is permitted but not required.

Meeting

Any gathering which is attended by or open to all of the members of the Board, held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body.

Parent

The natural or adoptive parents or individuals with a valid power of attorney for the care and custody of the student for purposes other than educational placement. Parent also refers to any individual appointed by the State or court as a legal guardian or custodian for the student. Both parents will have equal access to records and rights regarding the student's education absent a court order restricting such rights.

Personal Communication Devices

Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, and/or other web-enabled devices of any type.

Policy

A general, written statement by the governing Board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

President

The chief executive officer of the Board of Education. (See Bylaw 0171.1)

Relative

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household.

Secretary

The chief clerk of the Board of Education. (See Bylaw 0171.3)

Shall

This word is used when an action by the Board or its designee is required. (The word "will" or "must" also signifies a required action.)

Social Media

Social media are online platforms where users engage one another and/or share information and ideas through text, video, or pictures. Social media consists of any form of online publication or presence that allows interactive communication, including, but not limited to, text messaging, instant messaging, websites, web logs ("blogs"), wikis, online forums (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include, but are not limited to, Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Skype, and Facetime. Social media does not include sending or receiving e-mail through the use of District-issued e-mail accounts. Apps and web services shall not be considered social media unless they are listed on the District's website as District-approved social media platforms/sites.

Student

A person who is officially enrolled in a school or program of the District.

Technology Resources

The Board defines Technology Resources to include computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable

storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps.

Treasurer

The chief financial officer of the District. (See Bylaw 0171.4)

Vice-President

The Vice-President of the Board of Education. (See Bylaw 0171.2)

Voting

A vote at a meeting of the Board of Education. Except to accommodate the absence of any member of the Board due to military duty, Board members must be physically present to have their vote officially recorded in the Board minutes.

Citations to Michigan Compiled Laws (M.C.L.) are shown as M.C.L. followed by the Section Number (e.g., M.C.L. 380.1438). Citations to the Michigan Administrative Code are prefaced A.C. Rule (e.g., A.C. Rule R380.221). Citations to the Federal Register are noted as FR, to the Code of Federal Regulations as C.F.R., and to the United States Code as U.S.C.

Adopted 5/12/20

OFFICIAL DESCRIPTION

- 0111 **Name**
- The Board of Education of this District shall be known officially as the School District of the City of Highland Park Board of Education.
- 0112 **Purpose**
- The Board of Education exists for the purpose of providing a system of free, public education for children in grades Pre-K – 12, community college and adult education.
- 0113 **Boundaries**
- The School District of the City of Highland Park is comprised of the area in the description on file in the Board of Education office.
- 0115 **Address**
- The official address of the School District of the City of Highland Park Board of Education shall be 12360 Woodward Avenue, Highland Park, MI 48203.

Adopted 5/12/20

POWERS AND PHILOSOPHY

0121 **Authority**

The supervision of this District shall be conducted by the Board of Education, hereinafter sometimes referred to as the "Board", which is constituted and is governed by the laws of the State of Michigan.

M.C.L. 380.1201 et seq.

0122 **Board Powers**

The District shall operate as a General Powers School District. As such it has all of the rights, powers, and duties expressly stated in statute; may exercise a power implied or incident to any power expressly stated in statute; and, except as provided by law, may exercise a power incidental or appropriate to the performance of any function related to the operation and of the District in the interests of public elementary, secondary education and adult education in the District, including, but not limited to, all of the following:

- A. Educating Students. In addition to educating students in grades K-12, this function may include operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons.
- B. Providing for the safety and welfare of students while at school or at a school-sponsored activity or while enroute to or from school or a school-sponsored activity.
- C. Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying school property, facilities, equipment, technology, or furnishings.
- D. Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out District powers.
- E. Receiving, accounting for, investing, or expending District money; borrowing money and pledging District funds for repayment; and qualifying for State-School Aid and other public or private money from local, regional, State, or Federal sources.

The District may enter into agreements or cooperative arrangements with other entities, public or private, or join organizations as part of performing the functions of the School District.

The District is a body corporate and shall be governed by a school board. An act of this Board is not valid unless approved, at a meeting of the Board, by a majority vote of the members lawfully serving on the Board.

The Board may submit to the School electors a question that is within the scope of the powers of the School electors and that the Board considers proper for the management of the School system or the advancement of education in the School District. Upon the adoption of a question by the Board, the Board shall submit the question to the School electors by complying with Michigan election law (M.C.L. 168.312).

The Board shall adopt bylaws. These bylaws may establish or change Board procedures, the number of Board officers, titles and duties of Board officers, and any other matter related to effective and efficient functioning of the Board.

The Board has authority, based on statute, to make decisions regarding the following subjects without resort to prior bargaining:

- A. the policyholder of an employee group insurance benefit
- B. the starting day for the school year and the amount of student contact time to receive full State school aid
- C. the composition of the District's school-improvement committees established under M.C.L. 380.1277
- D. the decision whether or not to have inter-district and intra-district open-enrollment opportunities
- E. the decision whether or not to permit authorization of Charter Schools (public school academies)
- F. contracting with outside parties for noninstructional support services provided by an employee group including the procedures for obtaining a contract, the identity of the outside party, and the impact on individual staff members or a bargaining unit if the employee group is given an opportunity to bid on providing the noninstructional support services
- G. use of volunteers
- H. decisions regarding the use of experimental or pilot programs including staffing, use of technology and provision of the technology, or a bargaining unit
- I. compensation or reimbursement of a contractor for monetary penalties imposed on the contractor under the Public Employment Relations Act
- J. decisions on whether to enter into an intergovernmental agreement to consolidate, to jointly perform or to collaborate on one or more functions or services.
 - 1. procedures of obtaining a contract for such an agreement to transfer of functions or responsibilities

- 2. identities of any other parties to such an agreement
- K. any requirement that would violate section 10(3), M.C.L. 423.210(3) (Right to Work Law)
- L. decisions about the development, format, content, and procedures of the notification to parents and legal guardians required under M.C.L. 380.1249a (the requirement to make the notifications is effective with the 2018-2019 school year)

M.C.L. 380.11a, 380.1131 et seq.,
M.C.L. 423.201, 202, 206, and 215
M.C.L. 168.301 et seq.

0123

Philosophy of the Board

A Board of Education is a legal entity for providing a system of public education within a geographic area of the State of Michigan. The system was created by, and is governed by, State statutes. Members of a Board are chosen by citizens to represent them and the State in the governance of the local schools.

The Board has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires of residents. While the Board has an obligation to determine and assess citizen desires, it is understood that when the voters elect delegates to represent them in the conduct of specified educational programs, they, at the same time, are endowed with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The Board declares and, thereby, reaffirms its intent to:

- A. Maintain two-way communications with citizens of the District. The Board shall keep them informed of the progress and problems of the School District and the citizens shall be urged to bring their aspirations and concerns about the District to the attention of this body.
- B. Establish policies and make decisions on the basis of declared educational philosophy and goals.
- C. Act as a truly representative body for citizens in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests with the State, but the Board of Education has been assigned specific authority through statute, and the Board shall not relinquish or fail to exercise that authority.

Adopted 5/12/20

FUNCTIONS

0131 **Legislative**

0131.1 **Bylaws and Policies**

The Board of Education shall adopt bylaws and policies for the organization and operation of this Board and the District and shall be bound to follow such bylaws and policies.

Those bylaws and policies which are not dictated by the statutes or rules of the State Board of Education or ordered by the Superintendent of Public Instruction or a court of competent authority may be adopted, amended, and repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding Board meeting until approved or rejected.

Bylaws and policies shall be adopted, amended, repealed, or suspended by a majority vote of the Board.

Periodically, it may be deemed necessary to make technical corrections to policies that have already been adopted through normal procedures. These technical corrections may include statutory references, scrivener's errors, renumbering that does not change the order of the sections or subsections, grammatical corrections or additions including punctuation or typographical errors, as well as alterations and omissions not affecting the construction or meaning of any sections, subsections, chapters, titles, or policies as a whole. Technical corrections may also include the updating of the named individuals in these policies where the originally named individual no longer works for the District or no longer works in the applicable position. Should the Board choose to make such technical corrections, it may be accomplished by resolution without going through the normal policy adoption procedures.

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be printed in the Board policy manual. Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect as a policy.

M.C.L. 380.1201 et seq.

0132 **Executive**

0132.1 **Selection of Chief Administrative Officer**

The Board of Education shall exercise its executive power in part by the appointment of a Chief Administrative Officer who shall enforce the statutes of the State of Michigan, rules of the State Board of Education, and the policies of this Board.

0132.2 **Administrative Guidelines**

The Board shall delegate to the Chief Administrative Officer the function of specifying required actions and designing the detailed arrangements under which the school will be operated. These detailed arrangements shall constitute the administrative guidelines governing the schools which are not inconsistent with statutes or regulations of the State Board or the policies of this Board.

The Chief Administrative Officer shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

0133 **Judicial**

The Board of Education assumes jurisdiction over any dispute or controversy arising within this District and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

Adopted 5/12/20

MEMBERSHIP

0141 **Number**

The Board of Education shall consist of 7 members.

M.C.L. 380.11a

0142 **Election/Appointment**

0142.1 **Electoral Process**

The number of members of the Board shall remain the same as before July 1, 1996 unless changed by the School electors at a regular or special School election. A ballot question for changing the number of Board members may be placed on the ballot by action of the Board or by petition submitted by School electors as provided under Michigan election law (M.C.L. 168.301 to 168.315).

Members of the Board shall be elected in the November even year general election (the first Tuesday after the first Monday) in a manner that is consistent with State law.

A special election may be called by the Board as provided under Michigan election law (M.C.L. 168.301 to 168.315).

M.C.L. 168.301 et seq.

0142.2 **Qualifications**

An individual is eligible for election as a School Board member if the individual is a citizen of the United States and is a qualified and registered elector of the School District by the filing deadline.

M.C.L. 168.302

0142.3 **Term**

Members of the Board shall be elected by the School electors for terms of four (4) years.

At each regular School election, members of the Board shall be elected to fill the positions of those whose terms will expire. A term of office begins as provided by law (M.C.L. 168.302) and continues until a successor is elected and qualified.

At least one (1) School Board member for a School District shall be elected at each of the School District's regular elections. A School Board member's term of office begins January 1st, immediately following the November election.

M.C.L. 168.301 et seq.

0142.4 **Oath**

Each newly-elected Board member shall file an acceptance of office as well as an affidavit of eligibility within ten (10) days after receiving a certificate of election and shall take an oath of office as prescribed by the Constitution of Michigan.

A ceremonial oath of office may be administered at the Organizational Meeting and may be administered by:

- A. Mayor of the City of Highland Park
- B. A notary public

M.C.L. 168.309, 168.310

0142.5 **Vacancies**

The office of a Board member shall become vacant immediately upon the occurrence of any one (1) of the following events:

- A. the death of the incumbent, or the incumbent's being adjudicated insane or being found to be mentally incompetent by the proper court
- B. the incumbent's resignation
- C. the incumbent's removal from office
- D. the incumbent's conviction of a felony
- E. the incumbent's election or appointment being declared void by a competent tribunal
- F. the incumbent's neglect or failure to file the acceptance of office, to take the oath of office, or to give or renew an official bond required by law
- G. the failure of the District to elect a successor at the annual school meeting or election
- H. the incumbent's ceasing to possess the legal qualifications for holding office
- I. the incumbent's residence being removed from the School District

If less than a majority of the offices of the District becomes vacant, the remaining members of the Board shall fill the vacancy immediately.

If the vacancy is not filled within thirty (30) days after it occurs, the Board of the Intermediate School District shall fill the vacancy by appointment.

A person elected or appointed to fill a vacancy on the Board shall file an acceptance of office and shall hold office until the next regular school election.

M.C.L. 168.310, 168.311

Filling a Board Vacancy

If the majority of the Board is still seated, the vacancy shall be filled by the Board using the following procedure:

- A. The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.
- B. All applicants are to submit a notice of their interest, in writing, to the Chief Administrative Officer.
- C. The Board shall interview all interested candidates to ascertain their qualifications.
- D. Appointment by the Board to fill a vacancy shall be by majority vote of the full Board.

0142.6

Recall

Any member of the Board may be recalled pursuant to M.C.L. 168.951 et seq.

0142.7

Orientation

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the District, and learn Board procedures. Accordingly, the Board shall give to each new Board member no later than his/her first regular meeting as a Board member for his/her use and possession during the term on the Board the following items:

- A. a copy of the Board policy manual
- B. a copy of each current charter contract
- C. the current budget statement, audit report, and related fiscal materials

The Board will provide and maintain a library of publications and reference materials for the use of Board members.

Each new Board member shall be invited to meet with the Board President to discuss Board functions, policies, and procedures.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

0143 **Authority**

Individual members of the Board do not possess the powers that reside in the Board of Education. The Board speaks through its minutes and not through its individual members. An act of the Board shall not be valid unless approved at an official meeting by at least a majority vote of the members elected to and serving on the Board. M.C.L. 380.1201

No member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

0143.1 **Public Expression of Board Members**

The Board President functions as the official spokesperson for the Board.

From time-to-time, however, individual Board members will make public statements on school matters.

If the statements imply, or if the readers (listeners) could infer that the opinions expressed or statements made are the official positions of the Board, the Board members shall, when writing or speaking on school matters, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

- A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:
 - 1. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter
 - 2. routine, not for publication, correspondence of the Chief Administrative Officer and other Board employees
 - 3. routine "thank you" letters of the Board
 - 4. statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board)
 - 5. personal statements not intended for publication
- B. Copies of this bylaw shall be sent annually to local media by the Board President.

- C. A Board member's personal or private use of social media may have unintended, negative consequences to the Board member and/or the District, including possible violations of the Open Meetings Act and issues relating to creation of a public record. Postings to social media should be done in a manner sensitive to the Board member's responsibilities, applicable District policies, and legal obligations. A violation of this will result in censure.

0144 **Operations**

0144.1 **Compensation**

Board members shall receive not more than \$30 per meeting up to a total of not more than fifty-two (52) meetings as compensation for their services. Expenses of a Board member shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.

M.C.L. 380.11a, 380.1254

The following guidelines have been established by the Board of Education to ensure appropriate and proper reimbursement of expenses for Board members.

- A. Expenses will be reimbursed only for activities authorized by the Board.
- B. Reimbursement for mileage will not exceed the current rate established by the Internal Revenue Service.
- C. Attendance at Board-approved conferences should be at the location closest to the District.
- D. When attending a Board-approved conference, all fees, parking, mileage, meals, and housing will be reimbursed. The maximum reimbursable expenses established by the IRS.
- E. Purchase of any printed or other materials relating to Boardmanship will be reimbursed if approval is given by the Board.
- F. When the Board attends a community or school-related event as a Board function, or a Board member attends as the designated representative of the Board, any incurred expenses, including mileage, will be reimbursed by the Board. If a Board member attends such events as a private citizen, any incurred expenses are to be paid by the Board member.
- G. No entertainment expenses or purchases of alcoholic beverages are reimbursable.

A voucher detailing the amount and nature of each expense must be submitted to the Board for approval at a Board meeting after the expenses have been incurred and prior to reimbursement.

0144.2 **Board Member Ethics**

As members of the Board of Education, Board members will strive to improve public education and to that end they will:

- A. attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
- B. recognize that they should endeavor to make policy decisions only after full discussion at publicly held Board meetings;
- C. render all decisions based on the available facts and independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
- D. encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and all elements of the community;
- E. work with the other Board members to establish effective Board policies and to delegate authority for the administration of the District to the Chief Administrative Officer;
- F. communicate to other Board members and the Chief Administrative Officer expressions of public reaction to Board policies and school programs;
- G. inform themselves about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the State and National School Boards Associations;
- I. avoid being placed in a position of conflict of interest, and refrain from using their Board positions for personal partisan financial gain;
- J. take no private action that will compromise the Board, administration or District, and respect the confidentiality of information that is privileged under applicable law;
- K. remember always that their first and greatest concern must be for the educational welfare of the students attending the public schools.

Source: Board of Directors, National School Boards Association.

0144.3 **Conflict of Interest**

Board members shall perform their official duties in a manner free from conflict of interest. To this end:

- A. No Board member shall use his/her position as a Board member to benefit either himself/herself or any other individual or agency apart from the total interest of the School District.

- B. When a member of the Board determines that the possibility of a personal interest conflict exists, s/he should, prior to the matter being considered, disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board), and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon.
- C. A member of the Board is presumed to have a conflict of interest if the member or his/her family member has a financial interest, or a competing financial interest, in the contract or other financial transaction or is an employee of the School District.

Having a child in the District does not alone constitute a conflict of interest or financial interest in a contract or other financial transaction of the School District.

“Family member” means a person’s spouse or spouse’s sibling or child; a person’s sibling or sibling’s spouse or child; a person’s child or child’s spouse; or a person’s parent or parent’s spouse, and includes these relationships as created by adoption or marriage.

- 1. A Board member is not considered to have a financial interest in any of the following instances:
 - a. A contract or other financial transaction between the School District and any of the following:
 - 1) A corporation in which the individual is a stockholder owning 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owning stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.
 - 2) A corporation in which a trust, if the individual is a beneficiary under the trust, owns 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owns stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.
 - 3) A professional limited liability company organized pursuant to the Michigan limited liability company act, if the individual is an employee but not a member of the company.
 - b. A contract or other financial transaction between the School District and any of the following:
 - 1) A corporation in which the individual is not a director, officer, or employee.

- 2) A firm, partnership, or other unincorporated association, in which the individual is not a partner, member, or employee.
 - 3) A corporation or firm that has an indebtedness owed to the individual.
 - c. A contract between the School District and the intermediate school district.
 - d. A contract awarded to the lowest qualified bidder, upon receipt of sealed bids pursuant to a published notice for bids if the notice does not bar, except as authorized by law, any qualified person, firm, corporation, or trust from bidding. This does not apply to any amendments or renegotiations of a contract or to additional payments under the contract that were not authorized by the contract at the time of award.
2. If the financial interest pertains to a proposed contract with the District, the following requirements must be met:
 - a. The Board member shall disclose the financial interest in the contract to the Board with such disclosure made a part of the official Board minutes. If his/her direct financial interest amounts to \$250 or more or five percent (5%) or more of the contract cost to the District, the Board member shall make the disclosure in one of two (2) ways:
 - 1) In writing, to the Board president (or if the member is the Board president, to the Board secretary) at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165.)
 - 2) By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The Board member must use this method of disclosure if his/her financial interest amounts to \$5000 or more.
 - b. Any contract in which there is a conflict of interest as defined by this bylaw and the related statute (M.C.L. 380.1203) must be approved by a majority vote of the full Board without the vote of any Board member with a financial interest.

However, if a majority of the members of the Board are required to abstain from voting on a contract or other financial transaction due to a financial interest, then for the purposes of that contract or other financial transaction, the members who are not required to abstain constitute a quorum of the board and only a majority of those members eligible to vote is required for approval of the contract or financial transaction.

- c. The official minutes of the Board disclose the name of each party involved in the contract, the nature of the financial interest, and the terms of the contract including the duration, financial consideration between the parties, facilities or services of the District included in the contract, and the nature and degree of assignment of District contractors needed to fulfill the contract.
 - d. A Board member with a conflict of interest in a contract may not participate in the discussion of nor vote on the contract.
3. Board members shall not solicit or accept gratuities, favors, or anything of monetary value from contractors.
 4. Board members must disclose any potential conflict of interest which may lead to a violation of this policy to the full Board.
- D. A Board member may be appointed to serve as a volunteer coach or supervisor of a student extra-curricular activity if all of the following conditions are present:
1. the Board member receives no compensation for service as a volunteer coach or supervisor;
 2. the Board member abstains from voting on issues before the Board concerning the program during the period of time s/he serves as a volunteer coach or supervisor;
 3. there is no other qualified applicant available to fill a vacant position; and
 4. the appointing authority has received the results of a criminal history check and criminal records check from the Michigan State Police or the Federal Bureau of Investigation for the Board member.

M.C.L. 15.183, 15.323, 380.1203

See also, Policy 6420, Conflict of Interest - Legal Counsel, Advisors, or Consultants.

0144.4 **Indemnification**

The Board may hold harmless, indemnify, pay, settle, or compromise a judgment against a Board member to the extent allowed under the law.

M.C.L. 691.1408

0145 **Discriminatory Harassment**

The Board of Education's intent is to provide an environment that fosters the respect and dignity of each person. To this end, the Board is committed to maintaining an environment free of harassment and intimidation.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision. Other prohibited conduct includes that which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive environment on the basis of gender, religion, race, color, national origin or ancestry, age, disability, height, weight, marital status, and/or any other legally protected characteristic.

The harassment of a student, contractors, or third party (e.g. visiting speaker, athletic team member, volunteer, parent, etc.) is strictly forbidden. Any person who is found to have violated this policy will be subject to discipline in accordance with law.

M.C.L. 380.1300a

Adopted 5/12/20

ORGANIZATION

0151 **Organizational Meeting**

The Board of Education shall organize annually not earlier than July 1st immediately following an election held on a November regular election date and not later than second Monday in July at a meeting held for that purpose. The meeting shall be called to order by the Chief Administrative Officer who shall serve as presiding officer until the election of a temporary chairperson, who shall in turn serve until the election of a President.

M.C.L. 168.302

0152 **Officers**

The Board shall elect a President and Vice-President as well as a Secretary and Treasurer.

Election of officers shall be by a majority of the full Board. Where no such majority exists on the first ballot vote, a second vote shall be cast for the two (2) candidates who received the greatest number of ballot votes.

Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and shall qualify. An officer may be removed for cause by a majority vote of the full Board. The Board shall fill a vacancy in any Board officer position within thirty (30) days of the occurrence of the vacancy.

M.C.L. 380.11a

0154 **Motions**

The Board shall, at the organizational meeting:

- A. designate depositories for District funds; M.C.L. 380.1221
- B. designate those persons authorized to sign checks, contracts, agreements, and purchase orders;
- C. designate a day, place, and time for regular meetings which shall be held at least once every month;
- D. designate those persons authorized to use the safe deposit box;
- E. determine fee charged to individuals who request notice of Board meetings; (M.C.L. 15.266)
- F. designate a day for regular study sessions of the Board;
- G. designate an administrator to assume specified responsibilities
 - 1. of the Treasurer;

2. of the Secretary;

H. designate the Electronic Transfer Officer (ETO) in accordance with Policy 6144.

0155

Committees

Committees of Board members shall perform the duties as assigned by the Board, which may include deliberating, making decisions/recommendations or taking other actions specifically authorized by the Board.

All committees shall comply with the Open Meetings Act in accordance with the applicable requirements set forth in 0160 Bylaws. A committee may meet in closed session to review the specific contents of an employment application provided when the applicant for employment requests that the information remains confidential. It may not, however, meet in closed session to protect an applicant's identity.

Ad hoc committees may be created and changed at any time by the President or a majority of the members present at any meeting at which the need for a committee becomes evident.

Members of ad hoc committees shall serve until the committee is discharged.

The Chief Administrative Officer shall serve as an ex-officio member of each committee.

A member may request (or refuse) appointment to a committee.

Adopted 5/12/20

MEETINGS

0161 **Parliamentary Authority**

The parliamentary authority governing the Board of Education shall be in all cases in which it is not inconsistent with statute, administrative code, or these bylaws, or the rules of order of this Board.

0162 **Quorum**

Four (4) members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

0163 **Presiding Officer**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice-President shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

0164 **Call**

0164.1 **Regular Meetings**

The Board shall hold a meeting at least once each month on a date and at a time and place determined annually by a resolution of the Board.

0164.2 **Special Meetings**

Special meetings of the Board may be called by the President or by any two (2) members of the Board provided there is compliance with the notice provision of these Bylaws.

0164.3 **Emergency Meetings**

In the event of a severe and imminent threat to the health, safety, or welfare of the District, its contractors, or students, any member of the Board may call an emergency session provided the majority of the Board concur that delay would be detrimental to efforts to lessen or respond to the threat. Actual notice of any emergency meeting shall be attempted, but not required to other Board members.

0165 **Notice**

0165.1 **Regular Meetings**

Within ten (10) days after the organizational Board meeting, the Board shall cause to be posted at the Board office and in other locations considered appropriate by the Board, a notice listing the date, time, and place of each

regularly scheduled meeting of the Board. The notice shall contain the name and address of the District and its telephone number.

The notice shall also contain the following statement:

"Upon request to the Chief Administrative Officer, the District shall make reasonable accommodation for a person with disabilities to be able to participate in this meeting."

Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the estimated reasonable cost for printing and postage of each notice as shall be determined annually by the Board, the District shall send to the requesting party by first-class mail a copy of any notice required to be posted by these bylaws. The news media shall be entitled to receive, at their request, copies of such notices free of charge.

0165.2 **Change of Regular Meetings**

Within three (3) days after the Board adopts a resolution changing the date, time, or place of a regularly scheduled meeting, the meeting notice shall state the date, time, and place of the rescheduled meeting, as well as the name, address, and telephone number of the District. Said notice shall be posted on the front door of the Administrative Office Building and such other place(s) as the Board may determine. Said notice shall be posted at least eighteen (18) hours before the rescheduled meeting.

M.C.L. 15.264, 15.266

0165.3 **Special Meetings**

Said notice shall state the date, time, and place of such special meeting and the business to be transacted thereat, as well as the name, address, and telephone number of the District. A notice of any special meeting shall be posted at least eighteen (18) hours before said special meeting at the Board office and such other places as the Board may determine. A copy of said notice shall be served upon each member of the Board.

0165.4 **Emergency Meetings**

No notice of any emergency meeting shall be required.

0165.5 **Recess**

Any meeting of the Board may be recessed to another time and place. Any meeting which is recessed for more than thirty-six (36) hours shall be reconvened only after a notice stating the date, time, and place of the recessed meeting as well as the name, address, and telephone number of the District has been posted on the front door of the Administrative Office Building and such other place as the Board may determine for at least eighteen (18) hours prior to the time the meeting is to be reconvened.

M.C.L. 15.265, 380.1201(3)(4)

0165.6 **Cancellation**

Any meeting of the Board may be cancelled for appropriate purposes, which shall include, but not be limited to, inclement weather, lack of a quorum, or conflict with a special event relating to the District. If the cancelled meeting is a regular meeting it must be re-scheduled following all notice requirements set forth above.

M.C.L. 15.265, 380.1201(3)(4)

0166 **Agenda**

The Chief Administrative Officer and Board President shall prepare and submit to each Board member a written agenda prior to each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting. Individual Board members may include items on the agenda upon the concurrence of the Board President.

The agenda of the regular monthly meeting or special meetings shall be accompanied by a report from the Chief Administrative Officer on information relating to the District with such recommendations as s/he shall make.

Each agenda shall contain the following statement:

"This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated in the agenda item."

Any person or group wishing to place an item on the agenda shall register their intent with the Chief Administrative Officer no later than seven (7) days prior to the meeting and include:

- A. name and address of the participant;
- B. group affiliation, if and when appropriate;
- C. topic to be addressed.

Such requests shall be subject to the approval of the Chief Administrative Officer and the Board President.

Denial of the opportunity to have an item placed on the agenda will not preclude an individual or group from the opportunity to speak during the public participation portion of the meeting.

The agenda for each regular meeting shall be mailed or delivered to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be mailed no later than five (5) days prior to the meeting, or delivered so as to provide time for the study of the agenda by the member. The agenda for a special meeting shall be delivered at least twenty-four (24) hours before the meeting, consistent with provisions calling for special meetings.

The Board shall transact business according to the agenda prepared by the Chief Administrative Officer and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the members present.

0166.1 **Consent Agenda**

The Board of Education shall use a consent agenda to keep routine matters within a reasonable time frame.

The following routine business items may be included in a single resolution for consideration by the Board.

- A. minutes of prior meetings
- B. bills for payment
- C. hiring of personnel
- D. resolutions that require annual adoption, such as bank signatories, Michigan High School Athletic Association membership, etc.
- E. resignations and leaves

A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be removed and discussed as a nonaction item or be deferred for further study and discussion at a subsequent Board meeting if the Chief Administrative Officer or any Board member thinks the item requires further discussion.

0167 **Conduct**

0167.1 **Voting**

All regular and those special meetings of the Board at which the Board is authorized to perform business shall be conducted in public. No act shall be

valid unless approved at a meeting of the Board by a majority vote of the members elected or appointed to and serving on the Board who are authorized to vote (see Voting as defined in Bylaw 0100) and a proper record made of the vote. Meetings of the Board shall be public and no person shall be excluded therefrom. M.C.L. 380.1201

Unless specifically authorized by Michigan conflict of interest laws, any Board member's decision to abstain shall be recorded and be deemed to acquiesce in the action taken by the majority. Failure to vote, absent a statutory exception or other reasonable ethical basis, constitutes a breach of the Board member's duty as a public official. In situations in which a specified number of affirmative votes are required and abstentions have been noted, the motion shall fail if the specified number of affirmative votes have not been cast. In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority. 184 Mich App 681, 684 (1990)

All actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member be recorded. Proxy voting shall not be permitted. If a vote is not conducted by roll call, any member may request a roll call vote.

0167.2

Closed Session

The Board may by means of a roll call vote meet in a closed session, one closed to the public, for the following purposes:

- A. to consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic contractor evaluation of, a public officer, or individual agent, if the named person requests a closed hearing **(a majority vote is required)**
- B. for strategy and negotiation sessions connected with the negotiation of an agreement if either negotiating party requests a closed hearing **(a majority vote is required)**
- C. to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained **(a two-thirds (2/3's) vote is required)**
- D. to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body **(a two-thirds (2/3's) vote is required)**
- E. to consider materials exempt from discussion or disclosure under State or Federal statute, including by way of example only, written opinions of legal counsel, and school safety plans **(a two-thirds (2/3's) vote is required)**

- F. to review the specific contents of an application for appointment if the candidate requests that the application remain confidential **(a two-thirds (2/3's) vote is required)**

However, all interviews for appointment of the Chief Administrative Officer shall be held in an open meeting of the Board.

- G. to consider security planning to address existing threats or prevent potential threats to the safety of the students **(a majority vote is required)**

In keeping with the confidential nature of closed sessions, no member of the Board shall disclose the content of discussions that take place during such sessions. The only exceptions will be discussions with the District's legal counsel or as directed by an order of a court with proper jurisdiction.

It is expected that Board members shall not record nor communicate by any means, electronic or otherwise, with party or parties outside such meetings regarding the substance of such meetings either during or after the course of such meetings.

M.C.L. 15.267, 15.268

0167.3

Public Participation at Board Meetings

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on District matters.

To permit fair and orderly public expression, the Board shall provide a period for public participation at public meetings of the Board and publish rules to govern such participation in Board meetings and in Board committee meetings. The rules shall be administered and enforced by the presiding officer of the meeting.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business.
- B. Anyone with concerns related to the operation of the schools or to matters within the authority of the Board may participate during the public portion of a meeting.
- C. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name; group affiliation, if and when appropriate.
- D. Each statement made by a participant shall be limited to three (3) minutes duration.

- E. No participant may speak more than once.
- F. Participants shall direct all comments to the Board and not to other participants.
- G. The presiding officer may:
 - 1. prohibit public comments which are frivolous, repetitive, or harassing;
 - 2. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
 - 3. request any individual to leave the meeting when that person behaves in a manner that is disruptive of the orderly conduct of the meeting;
 - 4. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
 - 5. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;

Tape or video recordings are permitted subject to the following conditions:

- A. No obstructions are created between the Board and the audience.
- B. No interviews are conducted in the meeting room while the Board is in session.
- C. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.

The person operating the recorder should contact the Chief Administrative Officer prior to the Board meeting to review possible placement of the equipment.

M.C.L. 15.263(4)(5)(6), 380.1808

0167.4

Administrative Participation

The Chief Administrative Officer and those administrators directed by the Chief Administrative Officer shall attend all meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

0167.5 **Use of Electronic Mail**

Since E-mail is a form of communication that could conflict with the Open-Meetings Law, it will be used to conduct business of the Board only for the purposes of communicating:

- A. possible agenda items between the Chief Administrative Officer and the Board President;
- B. times, dates, and places of regular or special Board meetings;
- C. a Board meeting agenda or public record information concerning items on the agenda;
- D. requests for public record information from a member of the administration, or community pertaining to District operations;
- E. responses to questions posed by members of the public, administrators.

Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Freedom of Information Act, unless an exemption would apply.

0167.6 **Use of Social Media**

Social Media, as defined in Bylaw 0100, shall not be used to conduct any form of Board business.

0168 **Minutes**

0168.1 **Open Meeting**

The Secretary, or a temporary secretary appointed by the presiding officer, shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. These minutes must be approved by the Board and endorsed by the Secretary at the next meeting. The minutes shall include all roll-call votes taken at the meeting. Proposed minutes shall be available for public inspection not later than eight (8) business days after the meeting to which the minutes refer.

Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved. The minutes shall be available for inspection at the Chief Administrative Officer's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

The Board Secretary shall not include in or with its minutes any personally identifiable information on any student of the District which if released, would prevent the public body from complying with the Family Educational Rights and Privacy Act of 1974.

The official minutes shall be bound together by years and kept in the office of the Board of Education.

Minutes of the preceding meetings shall be approved by the Board as its first order of business at its next meeting.

M.C.L. 15.269, 380.1201

0168.2 **Closed Meeting**

The Board shall designate a person to keep separate minutes of each closed meeting of the Board. These minutes shall be retained by the Secretary of the Board, but shall not be available to the public and shall only be disclosed if required by a civil action filed under M.C.L. 15.270 et seq. These minutes may be destroyed one (1) year and one (1) day after approval of the minutes of the regular meeting at which the closed session was approved.

M.C.L. 15.267, 15.269, 15.270-71, 15.273

0168.3 **Committee Meetings**

Any Board committee, whether standing or appointed ad hoc, which exercises governmental or proprietary authority must comply with the Open Meetings provisions in 0168.1 and 0168.2, and Public Participation provisions in 0167.3. Committees that are empowered to take action, make recommendations or otherwise deliberate in place of the Board are subject to this requirement.

Adopted 5/12/20

DUTIES

0171 **Officers**

0171.1 **President**

The President of the Board of Education shall preside at meetings of the Board.

0171.2 **Vice-President**

The Vice-President of the Board of Education shall preside at meetings of the Board when the President is not able to attend;

0171.3 **Secretary**

The Secretary of the Board of Education shall:

- A. act as clerk at meetings of the Board;
- B. record and sign the minutes of meetings, orders, resolutions, and other proceedings of the Board in proper record books;
- C. perform other duties required by law or by the Board.

0171.4 **Treasurer**

The Treasurer of the Board of Education shall perform other duties the Board may prescribe in its bylaws relating to the administration of School District funds.

M.C.L. 380.1221

0172 **Legal Counsel**

The Board of Education may employ an attorney to represent the School District or Board in actions brought for or against the District and to render other legal services for the welfare of the School District.

0173 **Independent Auditor**

The independent auditor shall:

- A. examine the balance sheet of the District at the close of its fiscal year and the related statements of transactions in the various funds for the fiscal year then ended;

- B. conduct such examination in accordance with generally accepted auditing standards and to include such tests of the accounting records and such other auditing procedures as are necessary in the circumstances;
- C. render an opinion of the financial statements prepared at the close of the fiscal year;
- D. make such recommendations to the Board of Education concerning its accounting records, procedures, and related activities as may appear necessary or desirable;
- E. perform such other related services as may be requested by the Board.

0175 **Association Memberships**

The Board of Education may maintain membership in the National Association of Charter School Authorizers (NACSA) and may take part in the activities of these groups.

The Board may also maintain institutional memberships in other educational organizations, which the Chief Administrative Officer and Board find to be of benefit to members and District contractors.

The materials and other benefits of these memberships will be distributed and used to the best advantage of the Board.

0175.1 **School Board Conferences, Conventions, and Workshops**

The Board of Education recognizes the value of membership and attendance at conferences and meetings at the local, County, State, and National level.

Attendance at local, County, State and National workshops and conferences is encouraged.

Each Board member is expected to report back to the Board after attending a conference at District expense.

Travel and personal expenses of spouse, children, or other guest traveling with a Board member shall be the responsibility of the Board member or of the individual. Expenses for convention functions attended as a group will be borne by the District within budgetary limits.

If approved, the following are reimbursable upon submission of receipts and documentation:

- A. conference registration fees

- B. transportation – plane, train or automobile, including buses, taxis and limousines
- C. mileage at the Board approved rate
- D. toll charges and parking
- E. lodging (In most instances reimbursement will be limited to the conference rate, however, exceptions may be made in extenuating circumstances as determined by the Treasurer.)
- F. Meals
 - 1. the maximum per-day/per-meal allowance/stipend (includes up to a twenty percent (20%) gratuity) for all travel, except for travel to the major cities listed.

The President of the Board will regularly receive a record of Board member attendance at conferences.

Adopted 5/12/20

6000 **FINANCES**

6107	Authorization to Accept and Distribute Electronic Records and to Use Electronic Signatures	LC
6110	Grant Funds	LR
6111	Internal Controls	LR
6112	Cash Management of Grants	LC
6114	Cost Principles – Spending Federal Funds	LC
6151	Bad Checks	BP
6210	Fiscal Planning	BP
6220	Budget Preparation	LC
6230	Budget Hearing	LC
6231	Budget Implementation	BP
6320	Purchasing	LR
6321	New School Construction, Renovation	LC
6420	Conflict of Interest – Legal Counsel, Advisors, or Consultants	LC
6423	Use of Credit/Debit Cards	BP
6460	Vendor Relations	LC
6470	Payment of Claims	BP
6550	Travel Payment & Reimbursement	LR
6605	Crowdfunding	BP
6670	Trust and Agency Fund	BP
6680	Recognition	LC
6800	System of Accounting	LC
6850	Public Disclosure and Reporting	LR

Adopted 5/12/20

AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURES

Reference: 15 U.S.C. 7001 et seq
M.C.L. 450.831-450.849

Unless a provision of law specifically prohibits the use of an electronic record for the specified purpose, the Board of Education authorizes the acceptance and distribution/transmission of electronic records and electronic signatures to and from contractors and other persons, as well as between contractors. The Board further authorizes contractors to create, generate, send, communicate, receive, store, process, use, and rely upon electronic records and electronic signatures.

The Chief Administrative Officer is authorized to develop administrative guidelines concerning the acceptance and distribution/transmission of electronic records and electronic signatures. After giving due consideration to security, the Chief Administrative Officer may specify the following:

- A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored, and the systems established for those purposes.
- B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by any third party used by a person filing a document to facilitate the process.
- C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.
- D. Any other required attributes for electronic records that are specified for nonelectronic records or reasonably necessary under the circumstances.

Adopted 5/12/20

GRANT FUNDS

Reference: 2 CFR 200.112, 200.302, 200.310, 200.403, 200.404 and 200.406
Compliance Supplement for Single Audits of State and Local Governments
20 U.S.C. 7906

It is the objective of the Board of Education to provide equal educational opportunities for all students at the District. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the District that would benefit students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance educational opportunities, the educational environment, and the physical and mental growth for each student.

The Chief Administrative Officer shall review new Federal education legislation and prepare proposals for programs deemed to be of aid to the students of this district. The Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school districts, public school academies, and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accordance with Federal regulations and guidelines.

No Federal funds received by the District shall be used (1) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual; (2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds; (3) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or (4) to operate a program of contraceptive distribution in schools.

Grant Proposal Development

- A. All grant proposals must support at least one (1) District goal or priority.
- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.
- C. Each grant proposal shall be reviewed and approved by the Chief Administrative Officer prior to submission to the funding source.

Grant Administration

- A. The administration of grants will adhere to all applicable Federal, State, local, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as District policies and administrative procedures/guidelines.
- B. The Chief Administrative Officer is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The Chief Administrative Officer is responsible for administering grant funds

in a manner consistent with underlying agreements, applicable statutes, regulations, and program objectives, and the terms and conditions of the grant award.

- D. The District, in recognition of its unique combination of contractors, facilities, and experience, shall employ internal controls and the organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the District will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Chief Administrative Officer shall require that each draw of Federal monies be aligned with the District's payment process (whether reimbursement, cash advance or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local, and grantor rules, regulations, and assurances as well as District policies and administrative procedures/guidelines.

At a minimum, the District shall provide for the following:

- A. Identification, in District accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification shall include the Catalog of Federal Domestic Assistance (CFDA) title and number, Federal award identification number and year, name of the Federal agency and name of the pass-through entity, as applicable.
- B. The District shall develop a procurement policy (or revise its current procurement policy) to comply with all grants which it is awarded. Further, to the extent applicable, the District shall adhere to the requirements of the Education Department General Administrative Regulations.
- C. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.
- D. Records that adequately identify the source and application of funds provided for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.
- E. Effective control over, and accountability for, all funds, property, and other assets. The District must adequately safeguard all assets and assure that they are used solely for authorized purposes.

Further, the District must:

1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the District is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;
 2. comply with Federal statutes, regulations and the terms and conditions of the Federal award;
 3. evaluate and monitor the District's compliance with statutes, regulations and the terms and conditions of the Federal award;
 4. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings;
 5. take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.
- F. Comparison of expenditures with budget amounts for each Federal award.
- G. Recordkeeping and written procedures to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and accountability, including but not limited to, the following areas:
- 1.cash management
 - 2.allowability
 - 3.conflict of interest
 - 4.procurement
 - 5.equipment management
 - 6.conducting technical evaluations of proposals and selecting recipients
 - 7.compensation and fringe benefits
 - 8.travel
- H. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.
- I. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the District.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the District uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the Federal awarding agency or pass-through entity.

Adopted 5/12/20

INTERNAL CONTROLS

The Chief Administrative Officer shall establish and maintain effective internal control over financial grants and awards that provide reasonable assurance that the program and funds are managed in compliance with applicable statutes, regulations and the terms and conditions of the awards.

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect on a Federal award, as well as any other Federal statutes and regulations that are identified in the Compliance Supplement. Finally, the internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The District shall:

- A. comply with Federal statutes, regulations, and the terms and conditions of the Federal awards;
- B. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of the award;
- C. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and
- D. take reasonable measures to safeguard protected personally identifiable information and other information the awarding agency or pass-through entity designates as sensitive or the District considers sensitive information consistent with applicable Federal, state, local, and tribal laws and District policies regarding privacy and obligations of confidentiality.

Adopted 5/12/20

CASH MANAGEMENT OF GRANTS

Reference: 2 CFR 200.305

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Chief Administrative Officer shall implement internal controls in the area of cash management.

The District's payments methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the Michigan Department of Education (MDE) (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the grantor agency or pass through entity to request payment. The District shall request grant funds payments in accordance with the provisions of the grant. Additionally, the District's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Chief Administrative Officer is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the District uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The District shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The District shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments will be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
 1. The District receives less than \$120,000 in Federal awards per year.
 2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.

3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
- G. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds. Pertinent details include the Payee Account Number ("PAN") if the payment originated from PMS, or Agency information if the payment originated from Automated Standard Application for Payment ("ASAP"), National Science Foundation ("NSF") or another Federal agency payment system.

Adopted 5/12/20

COST PRINCIPLES - SPENDING FEDERAL FUNDS

Reference: 2 CFR. 200.403-.406, 200.413(a)-(c), 200.430(a), 200.431(a), 200.458, 2 CFR 200.474(b)

The Chief Administrative Officer is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
5. whether the cost represents any significant deviation from the established practices or Board policy which may increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;

2. whether the cost is identified in the approved budget or application;
3. whether there is an educational benefit associated with the cost;
4. whether the cost aligns with identified needs based on results and findings from a needs assessment;
5. whether the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.

- B. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
- D. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
 1. in the case of personal services, the Chief Administrative Officer shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
 2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

Selected Items of Cost

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District contractors shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

Cost Compliance

The Chief Administrative Officer shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.

Determining Whether a Cost is Direct or Indirect:

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of contractors working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of contractors working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the District, the Board, compensation of the Chief Administrative Officer, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical contractors should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Michigan Department of Education (MDE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Timely Obligation of Funds

Obligations are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education ("USDOE") regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.
- B. Personal services by a contractor of the District - when the services are performed.
- C. Personal services by a contractor who is not a contractor of the District on the date which the District makes a binding written commitment to obtain the services.
- D. Public utility services - when the District receives the services.
- E. Travel - when the travel is taken.
- F. Rental of property - when the District uses the property.
- G. A pre-agreement cost that was properly approved by the Secretary (USDOE) under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

Period of Performance

All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, obligations under a grant may not be made until the grant funding period begins or all necessary materials are submitted to the granting agency, whichever is later. In the case of a direct grant, obligations may begin when the grant is, unless an agreement exists with MDE or the pass-through entity to reimburse for pre-approval expenses.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

Adopted 5/12/20

BAD CHECKS

When the District receives a check from a student or parent that, when deposited, is returned marked "insufficient funds," the Chief Administrative Officer shall provide an opportunity for the payer to make proper payment or to arrange for a satisfactory payment schedule. If payment is not received within fifteen (15) days, the payment schedule is not adhered to, or the monies do not appear to be collectable, the Board of Education authorizes the Chief Administrative Officer to remove the fee or charge from the District's Accounts Receivable and to take appropriate action against the student and/or the parents.

Adopted 5/12/20

FISCAL PLANNING

The Board of Education shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the District and shall plan for the financial needs of the educational program. The Board will strive to maintain both short and long range projections of the District's financial requirements.

Accordingly, the Board directs the Chief Administrative Officer to accomplish the following:

- A. prepare a long range plan for the cost of maintaining the educational and strategic plan developed by the District.
- B. include cost estimates in all ongoing financial requirements;
- C. prepare a long range, year-by-year plan for the maintenance and replacement of facilities and equipment;
- D. report to the Board any serious financial implications that emerge from the District's ongoing fiscal planning.

In addition, the Board directs the Chief Administrative Officer to maintain annually a detailed two (2) year forecast of estimated expenditures and revenues.

Adopted 5/12/20

BUDGET PREPARATION

Reference: MCL 141.434 et. seq.

The District's operational and educational plans are reflected in its budgets. Each year, the Board of Education will have prepared, then review and approve the General Fund.

Each budget shall be designed to carry out District operations in a thorough and efficient manner, to maintain District facilities properly, and to honor the continuing obligations of the Board.

A proposed budget requires the critical analysis of every member of the Board prior to approval. Once adopted, the budget deserves the support of all members of the Board, regardless of their position before its adoption.

The Board directs the Chief Administrative Officer to present the budgets to the Board, along with all available information associated with each budget, in sufficient time to allow for proper analysis and discussion prior to the budget hearing.

When presented to the Board for review and/or adoption, the information shall include the following items, as appropriate:

- A. the number and category of contractors for the current and the ensuing year;
- B. the proposed expenditure and revenue in each financial category for the ensuing year;
- C. the anticipated expenditure and revenue in each financial category for the current year;
- D. the actual expenditure, the approved budget, and the revenue in each financial category for the previous year;
- E. an estimate of the student enrollment;
- F. the amount of fund equity anticipated at the end of the current year;
- G. an appropriations resolution.

Adopted 5/12/20

BUDGET HEARING

Reference: MCL 141.411 et. seq.

The annual budget adopted by the Board of Education represents the Board's position on the allocation of resources required to operate an appropriate system of education. All reasonable means shall be employed by the Board to present and explain that position to all interested parties. The public budget hearing will be conducted in accordance with law.

Each member of the Board shall be sufficiently acquainted with the budget and its underlying purposes to answer questions from members of the public.

The budget approved by this Board will be made available to the public in the form and places required by law. A simplified form of the budget may also be prepared annually and may be sent to appropriate parties and/or distributed to persons attending the annual budget hearing.

A simplified budget may include the expenditures and the anticipated receipts in each major category for the current and the coming years. Such a budget may also provide a brief explanation of significant increases and decreases from the previous year.

The final adoption of the proposed annual budget shall be made by the Board after completion of the public hearing, but in no case later than June 30th.

Adopted 5/12/20

BUDGET IMPLEMENTATION

Reference: MCL 141.436 et. seq.

The Board of Education places the responsibility of administering the budget, once adopted, with the Chief Administrative Officer. As the budget is being implemented, the Chief Administrative Officer shall keep the Board informed regarding budgetary problems or concerns.

The Chief Administrative Officer shall be authorized to proceed with financial commitments, purchases, and other expenditures, within the limits provided in the budget, stated in Board policies, and expressed in State statutes.

Lists of expenditures, appropriate financial reports, and budget comparison reports shall be submitted monthly to the Board to keep members informed as to the status of the budget and overall financial condition of the District.

During the fiscal year, if the Chief Administrative Officer deems that actual revenues are less than estimated revenues (including the available equity upon which the appropriations from the fund were based), the Chief Administrative Officer shall recommend to the Board amendments to the General Appropriations Act in order to prevent expenditures from exceeding revenues.

Adopted 5/12/20

PURCHASING

Reference: MCL 380.1267, 380.1274 et seq.

Procurement of all supplies, materials, equipment, and services paid for from District funds shall be made in accordance with all applicable federal and State statutes, Board policies, and administrative procedures.

All procurement transactions shall be conducted in a manner that encourages full and open competition and in accordance with good administrative practice and sound business judgment.

Each year the State of Michigan informs the District of the legal amount for purchases, which require a formal bidding process of a single item.

It is the policy of the Board that the Chief Administrative Officer adhere to the following:

- A. Seek informal price quotations on purchases that are under 50 percent of the amount allowed by State statute for a single item, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the District.

Purchases in a single transaction that are in excess of the dollar amount permitted by State statute shall require competitive bids and, whenever possible, have at least three (3) such bids for substantiation of purchase and shall require approval of the Board prior to purchase.

Competitive Bids

Competitive bids are not required for items purchased through the cooperative bulk purchasing program operated by the Michigan Department of Management and Budget pursuant to M.C.L.A. 18.1263.

Competitive bids are not required for food purchases, unless food purchased in a single transaction costs \$100,000 or more.

Bids shall be sealed and shall be opened by the Chief Administrative Officer or CFO in the presence of at least one (1) witness. All orders or contracts should be awarded to the lowest responsible bidder; however, consideration can be given to Highland Park based businesses.

The Board reserves the right to reject any and all bids.

Bid Protest

A bidder who wishes to file a bid protest must file such notice and follow procedures prescribed by the Request For Proposals (RFP) or the individual bid specifications package, for resolution. Bid protests must be filed in writing with the Chief Administrative Officer within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Chief Administrative Officer shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

General Provisions

The Chief Administrative Officer is authorized to purchase all items within budget allocations.

The Board should be advised, for prior approval, of all purchases of equipment, materials, and services when the purchase was not contemplated during the budgeting process.

The Chief Administrative Officer is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the school in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

In order to promote efficiency and economy in the operation of the school, the Board requires that the Chief Administrative Officer periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped but with staggered delivery dates, shall be made a part of the bid specifications.

Before placing a purchase order, the Chief Administrative Officer shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the school. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

- A. opportunity be provided to as many responsible suppliers as possible to do business with the District;
- B. a prompt and courteous reception, insofar as conditions permit, be given to all who call on legitimate business matters;
- C. where the requisitioner has recommended a supplier, the Chief Administrative Officer may make alternate suggestions to the requisitioner if, in his/her judgment, better service, delivery, economy, or utility can be achieved by changing the proposed order;
- D. upon the placement of a purchase order, the Chief Administrative Officer shall commit the expenditure against a specific line item to guard against the creation of liabilities in excess of appropriations.

The Chief Administrative Officer shall determine the amount of purchase which shall be allowed without a properly signed purchase order. Contractors may be held personally responsible for anything purchased without a properly signed purchase order or authorization.

The Board may acquire office equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

Procurement – Federal Grants

The Chief Administrative Officer shall maintain a procurement and contract administration system in accordance with the United States Department of Education requirements (34 CFR 80.36) for the administration and management of Federal grants and federally-funded programs. The District shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy and administrative guidelines.

Adopted 5/12/20

NEW SCHOOL CONSTRUCTION, RENOVATION

References: MCL 380.1267
M.C.L. 380.1264

Before commencing construction of any new district building or the major renovation of an existing district building, the Board shall consult on the plans for construction or major renovation regarding district safety issues with the law enforcement agency that is the first responder for the district building at issue. For purposes of this paragraph, district building means any building intended to be used to provide instruction to students and any recreational or athletic structure or field intended to be used by students.

Before beginning construction of a new district building, or an addition, repair or renovation of an existing district building, except emergency repairs, the Board of Education, shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing district building which exceeds the State statutory limit.

This policy does not apply to buildings, renovations, or repairs costing less than the statutory limit or to repair work normally performed by District contractors.

The Board shall advertise for the bids required under subsection:

- A. By placing an advertisement for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place and by posting an advertisement for bids for at least two (2) weeks on the Department of Management and Budget website on a page on the website maintained for this purpose or on a website maintained by a district organization and designated by the Department of Management and Budget for this purpose.
- B. By submitting the request for bids for placement on the Michigan Department of Management and Budget's website for district organizations, including a link to the District's website.
- C. The advertisement for bids shall do all of the following:
 1. specify the date and time by which all bids must be received by the Board at a designated location;
 2. state that the Board will not consider or accept a bid received after the date and time specified for bid submission;
 3. identify the time, date, and place of a public meeting at which the Board or its designee will open and read aloud each bid received by the Board by the date and time specified in advertisement;
 4. state that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the Board or the Administrator of the District. A Board shall not accept a bid that does not include this sworn and notarized disclosure statement.

- D. The Board shall require each bidder for a contract under this policy, to file with the Board security in an amount not less than 1/20 of the amount of the bid conditioned to secure the District from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the Board.
- E. The Board shall not open, consider, or accept a bid that the Board receives after the date and time specified for bid submission in the advertisement for bids as described in subsection C of this policy.
- F. At a public meeting identified in the advertisement for bids described in subsection C of this policy, the Board or its designee shall open and read aloud each bid that the Board received at or before the time and date for bid submission specified in the advertisement for bids. The Board may reject any or all bids, and if all bids are rejected, shall re-advertise in the manner required by this policy.

The Board may consider and provide a preference to bidders:

- 1. which use a Michigan-based business as the primary contractor.
- 2. which use one (1) or more Michigan-based business(es) as subcontractors.

For purposes of this preference a Michigan-based business means a business that would qualify for a Michigan preference for procurement contracts under M.C.L.A. 18.1268, which requires that the businesses certify that since inception or during the last twelve (12) months it has done one of the following:

- 1. have filed a Michigan business tax return showing an allocation of income tax base to Michigan
- 2. have filed a Michigan income tax return showing income generated in or attributed to Michigan
- 3. withheld Michigan income tax from compensation paid to the bidder's owners and remitted the tax to the Michigan Department of Treasury

This preference shall not apply to any procurement or project using Federal funds, nor shall it be used if it would violate any Federal law or requirements.

- G. The competitive bid threshold amount specified in this policy (\$24,459 for 2019) is adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the twelve (12) months ending August 31st of the year in which the adjustment is made differs from that index's average for the twelve (12) months ending on August 31st of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar. The current exempt

amount must be confirmed with the Michigan Department of Education prior to issuing contracts for construction, renovation, or repairs which exceed the amount listed in this policy.

Adopted 5/12/20

PROCUREMENT – FEDERAL GRANTS/FUNDS

Reference: 2 C.F.R. 200.317 - .326

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board policies, and administrative procedures.

The Chief Administrative Officer shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-.326), including affirmative steps for small and minority businesses and women's business enterprises, for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Policy 6320 and AG 6320.

All District contractors, whether employed by the Board or by the District, all officers of the District, and all agents of the District who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its contractors, whether employed by the Board or by the District, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130 and Policy 3110 – Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

Competition

All procurement transactions paid for from Federal funds or District matching funds shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business;
- B. unnecessary experience and excessive bonding requirements;

- C. noncompetitive contracts to consultants that are on retainer contracts;
- D. organizational conflicts of interest;
- E. specification of only a "brand name" product instead of allowing for an "*or equal*" product to be offered and describing the performance or other relevant requirements of the procurement; and
- F. any arbitrary action in the procurement process.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list continuously.

Solicitation Language

The District shall require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The District will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The District shall utilize the following methods of procurement:

- A. Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$ 10,000 (not to exceed \$10,000). To the extent practicable, the District shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if Chief Administrative Officer considers the price to be reasonable. The District maintains evidence of this

reasonableness in the records of all purchases made by this method.

B. Small Purchases

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold of \$ 10,000. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

C. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts more than to the amount allowed by Michigan statute and when the Board determines to build, repair, enlarge, improve, or demolish an district building/facility the cost of which will exceed the amount allowed by Michigan statute.

In order for sealed bidding to be feasible, the following conditions shall be present:

1. a complete, adequate, and realistic specification or purchase description is available;
2. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
3. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

1. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
4. A firm fixed price contract award will be made in writing to the lowest responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.

5. The Board reserves the right to reject any or all bids for sound documented reason.

D. Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. (See Policy 6320 for competitive bid procedures.)

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
2. Proposals shall be solicited from an adequate number of sources.
3. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E that firms are a potential source to perform the proposed effort.

E. Noncompetitive Proposals

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. the item is available only from a single source
2. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
3. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District
4. after solicitation of a number of sources, competition is determined to be inadequate

Contract/Price Analysis

The District shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Time and Materials Contracts

The District uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Suspension and Debarment

The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Chief Administrative Officer shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 CFR Part 180 Subpart G)

Debarment is an action taken by the Chief Administrative Officer to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition © National Charter Schools Institute

Regulation (48 CFR chapter 1). A person so excluded is debarred. (2 CFR Part 180 Subpart H)

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 CFR Part 180 Subpart C)

Bid Protest

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Chief Administrative Officer within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Chief Administrative Officer shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

Maintenance of Procurement Records

The District maintains records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Adopted 5/12/20

CONFLICT OF INTEREST - LEGAL COUNSEL, ADVISORS, OR CONSULTANTS

Reference: M.C.L. 380.1203

A person serving as the legal counsel to the District or otherwise acting as an advisor or consultant to the Board of Education, who believes or has reason to believe that the s/he has a conflict of interest with regard to a contract or other financial transaction that requires the approval of the Board shall disclose the conflict of interest to the Board before the vote on the contract or other financial transaction.

Such a person is presumed to have conflict of interest if the person or his/her family member has financial interest or a competing financial interest in the contract or other financial transaction under consideration by the Board.

"Family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse; and includes these relationships as created by adoption or marriage.

Having a child in the District does not alone constitute a conflict of interest or financial interest in a contract or other financial transaction of the District.

See Bylaw 0144.3

Adopted 5/12/20

USE OF CREDIT/DEBIT CARDS

The Board of Education recognizes the value of an efficient method of payment and recordkeeping for certain expenses.

The Board, therefore, authorizes the use of District credit/debit cards. The authorization, handling, and use of credit/debit cards have been established to provide a convenient and efficient means to purchase goods and services. Credit/Debit cards, however, shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy. The Board affirms credit/debit cards shall be used only for those expenditures incurred for Board-approved or District-related activities or for those expenditures that serve the benefit of the District and a valid public purpose. Under no circumstances shall credit/debit cards be used for personal purchases or the purchase of alcoholic beverages, even if the purchase of such beverages is made in connection with a meal. Credit/debit cards shall be set up by the issuing financial institution such that cash withdrawals are not permitted.

The Chief Administrative Officer shall develop Administrative Procedures that specify persons authorized to use District credit/debit cards, the types of expenses that can be paid by credit/debit cards, and the proper supervision and use of such cards. Inappropriate or illegal use of the credit/debit card and/or failure to strictly comply with the limitations and requirements set forth in the Administrative Procedures may result in a loss of credit/debit card privileges; disciplinary action, up to, and including, termination; personal responsibility to reimburse any and all inappropriate charges (including finance charges and interest) assessed in connection with the purchase; and/or possible referral to law enforcement authorities for prosecution.

The Chief Administrative Officer shall annually request the Board to approve the position titles authorized to use District credit/debit cards in the conduct of District business.

The Chief Administrative Officer shall be responsible for supervising and giving direction to contractors authorized to use District credit/debit cards.

Adopted 5/12/20

VENDOR RELATIONS

Reference: MCL 15.321 et. seq.

Neither the Board of Education nor the Chief Administrative Officer shall knowingly enter a contract with any supplier of goods or services with which any Board member or officer, contractor, or agent of this District has any financial or beneficial interest (direct or indirect), unless that person has neither solicited the contract nor participated in the negotiations leading up to the contract. This prohibition shall not prevent any person from receiving royalties upon the sale of any textbook that he/she has authored and/or that has been approved for use in the District.

For the purpose of this policy *beneficial interest* shall be determined in accordance with MCL 15.321 et seq.

Board members and personnel shall not accept any gifts or favors from vendors that might influence the eventual purchase of equipment, supplies, or services.

All sales persons, regardless of product, shall register with the Chief Administrative Officer's office before contacting any contractors of the District. Purchasing personnel shall not show any favoritism to any vendor. In accordance with the policies of the Board, each order shall be placed on the basis of quality, price, and delivery (with past service a factor if all other considerations are equal).

Adopted 5/12/20

PAYMENT OF CLAIMS

Reference: MCL 380.1274

The Board of Education directs the prompt payment of legitimate claims by suppliers of goods and services to the District.

Each bill or obligation of this Board must be fully itemized and verified before a warrant can be drawn for its payment.

When an invoice is received, the Chief Administrative Officer shall verify the following: a voucher is submitted properly; acceptable goods were received or satisfactory services rendered; the expenditure is included in the Board's budget and funds are available for its payment; and the amount of the invoice is correct.

The Chief Administrative Officer is authorized to approve electronic funds transfers (EFTs) in the completion of prompt payment of legitimate claims. Such payments shall comply with the provisions of Policy 6107 and Michigan Statute.

All payments shall be submitted for Board review in the form of a list, including the vendor's name; the number and amount of the payment check; and a description of the item.

Adopted 5/12/20

TRAVEL PAYMENT & REIMBURSEMENT

Reference: 2 CFR 200.474

Travel expenses incurred for official business travel on behalf of the Board of Education shall be limited to those expenses reasonably and necessarily incurred by the contractors in the performance of a public purpose authorized, in advance, in accordance with any applicable administrative guidelines.

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board annually. The Board shall utilize the Federal IRS prescribed mileage rate.

Contractors are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

Travel payment and reimbursement provided from Federal funds must be authorized in advance by the Federal awarding agency or pass-through entity and must be reasonable and consistent with the District's travel policy and administrative guidelines. For travel authorized by and paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the District's travel policy.

All costs incurred with Federal funds must meet the District's cost allowability standards.

To the extent that the District's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or his/her designee), must apply to travel under Federal awards.

Adopted 5/12/20

CROWDFUNDING

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the District – be it a specific classroom, grade level, department, school, or curricular or extracurricular activity.

“Crowdfunding” is defined as the solicitation of resources from individuals and/or organizations to support identified activities or projects that enhance the educational program or a specific cause approved by the District. The solicitation is typically from a large number of individuals/organizations utilizing internet-based technologies.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Board upon the recommendation of the Chief Administrative Officer.

All approved crowdfunding activities shall protect the privacy of students, children, and young adults in accordance with District policies and administrative guidelines and applicable State and Federal law, including FERPA and IDEIA.

Materials, supplies, equipment, and other proceeds of the crowdfunding activity shall become property of the District. Cash or equivalent payment to District personnel is prohibited. All fiscal transactions shall comply with appropriate District policies.

Adopted 5/12/20

TRUST AND AGENCY FUND

The Board of Education directs the establishment of a Trust and Agency Fund for the financial administration of scholarships and other trusts approved by the Board and operated for the benefit of students.

The Chief Administrative Officer shall be responsible for the administration of the Trust and Agency Fund. The Fund will be audited annually and administered under appropriate accounting controls. The books of account will record income and expenses separately for each approved area.

Adopted 5/12/20

RECOGNITION

Reference: MCL 380.634

The purpose of this policy is to permit the Board of Education to honor the school staff, former Board members, and other persons, with plaques, pins, token retirement gifts and awards, and other amenities.

Upon recommendation of the Chief Administrative Officer, the Board may consider the presentation of token gifts to individuals and/or groups who have rendered service to the District. The use of public funds for the purchase of a plaque, medal, trophy, or other award for the recognition of any District community member may not exceed \$250.00 per recipient.

Public funds under the control of the District may NOT be used to purchase alcoholic beverages, jewelry, gifts, fees for golf, or any item whose purchase or possession is illegal. Any such expenditure violates this policy.

Beginning January 1, 2005, the monetary amount for recognition awards will be adjusted annually by the State. On or before December 15th of each year, the State will, upon request, provide the adjusted limit or, if the index is unavailable, the State will provide a reasonable approximation.

The Board authorizes expenses incurred as listed above only when they serve a public purpose. Public purposes include, but are not limited to, the following: the promotion of education; rapport with the business community; community relations; and the encouragement of non-employees to serve as volunteers.

Adopted 5/12/20

SYSTEM OF ACCOUNTING

Reference: M.C.L.A. 41.422 et seq., 141.421 et seq.
A.C. Rule R340.351 et seq.
GASB #34
GASB #54

It is the policy of the Board of Education that a chart of accounts be established in accordance with the requirements of the State Department of Education for the accounting of all District funds. The Chief Administrative Officer is responsible for an accounting of all capital assets to protect the financial investment of the District against catastrophic loss. Further, the Chief Administrative Officer will establish procedures and regulations necessary to properly account for capital assets and comply with generally accepted accounting principles (GAAP) and ensure that the District's capital assets are properly insured.

GASB 84

The District's system of accounting shall comply with all applicable requirements of the Governmental Accounting Standards Board, Statement No. 84 (GASB 84). In accordance with GASB 84, the District will report applicable fiduciary activities as identified in either the private purpose trust fund or the custodial fund. Typically, these activities include recognized student and academy-related activity funds held in a bank account maintained by the District. These funds shall be subject to the accounting and requirements specified in the Michigan Public Schools Accounting Manual. An activity not identified as a fiduciary activity under GASB 84 will be deemed a governmental activity and will be reported in a governmental fund.

GASB 54

The District's system of accounting shall comply with all requirements of the Governmental Accounting Standards Board, Statement No. 54 (GASB 54). In accordance with GASB 54, the District will report its fund balances in the following categories:

- A. *Nonspendable fund balance*—amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (such as the corpus of an endowment fund)
- B. *Restricted fund balance*—amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation
- C. *Committed fund balance*—amounts constrained to specific purposes by the Board; to be reported as committed, amounts cannot be used for any other purpose unless the Board takes action to remove or change the constraint
- D. *Assigned fund balance*—amounts the Board *intends* to use for a specific purpose; intent can be expressed by the Board or by an official or committee to which the Board delegates the authority
- E. *Unassigned fund balance*—amounts that are available for any purpose; these amounts are reported only in the general fund.

The Board authorizes the auditors and directs its Chief Administrative Officer to take all steps necessary to comply with the requirements of GASB 54. All revenue and funds will be designated to one of the above categories.

The Chief Administrative Officer shall be responsible for the proper accounting of all District funds. The Chief Administrative Officer shall ensure that expenditures are budgeted under and charged against those accounts which most accurately describe the purpose for which such monies are to be or have been spent. Wherever appropriate and practicable, salaries of individual contractors, expenditures for single pieces of equipment, and the like shall be prorated under the several accounts which most accurately describe the purposes for which such monies are to be or have been spent.

The Chief Administrative Officer is responsible to implement procedures and practices that will determine:

- A. Capitalization policies for District assets (i.e., which assets will be capitalized and depreciated over their estimated useful life versus which assets will be expensed in year of purchase);
- B. Methods for calculating annual and accumulated depreciation expense for assets including estimates for asset lives, residual asset values, and depreciation methodology;
- C. Procedures for recording gain or loss on sale of capital assets and proceeds from the sale of capital assets in compliance with GAAP Reporting of estimated cash values or replacement values to District insurance providers.

A report of the revenues and expenditures in the fund reporting categories established above shall be made to the Board on a monthly basis by the Chief Administrative Officer.

The Board's annual financial statements will include information such as: 1) beginning and ending balances of capital assets; 2) beginning and ending balances of accumulated depreciation, 3) total depreciation expense for the fiscal year.

Such reporting shall include description of significant capital asset activity during the fiscal year including: acquisitions through purchase or donation, sales or dispositions including the proceeds and gains or losses on the sale, changes in methods of calculating depreciation expense or accumulated depreciation, such as, estimates of useful life, residual values, depreciation methodology (e.g. straight line or other method).

Before implementing procedures or changing procedures, the Chief Administrative Officer will review the proposed procedure with the CPA appointed by the Board of Education to conduct the Board's financial audit. The procedures established shall comply with all statutorily required standards and generally accepted accounting procedures.

The Chief Administrative Officer shall promulgate Administrative Procedures to ensure the proper implementation of this policy in accordance with law.

Adopted 5/12/20

PUBLIC DISCLOSURE AND REPORTING

Reference: MCL 4.415, 388.1617a, 388.1618, 388.1619, 388.1651a, 15.231 to 15.246, 380.1204a(1), 380.1219
20 USC 6311

Within fifteen (15) days after the Board of Education adopts its annual operating budget for the following school fiscal year, or adopts a subsequent revision to that budget, the District shall make all of the following available through a link on its website homepage in a form and manner prescribed by the State Department of Education ("Department"):

- A. the annual operating budget and subsequent budget revisions
- B. using data that have already been collected and submitted to the Department, a summary of District expenditures for the most recent fiscal year for which they are available, expressed in the following two (2) pie charts:
 1. a chart of personnel expenditures, broken into the following subcategories:
 - a. salaries and wages
 - b. benefit costs, including, but not limited to, medical, dental, vision, life, disability, and long-term care benefits
 - c. retirement benefit costs
 - d. all other personnel costs
 2. a chart of all District expenditures, broken into the following subcategories:
 - a. instruction
 - b. support services
 - c. business and administration
 - d. operations and maintenance
 3. links to all of the following:
 - a. the audit report of the audit for the most recent fiscal year for which it is available
 - b. the District's written policy governing procurement of supplies, materials and equipment
 - c. the District's written policy establishing specific categories of reimbursable expenses for a Board member
 - d. the District's accounts payable check register for the most recent school fiscal year or a statement of the total amount of expenses incurred by Board members and contractors of the

- District that were reimbursed by the District for the most recent District fiscal year
- e. the annual amount spent on dues paid to associations
 - f. the annual amount spent on lobbying or lobbying services
 - g. any required deficit elimination plan or enhanced deficit elimination plan
 - h. identification of all credit cards maintained by the District as District credit cards, including the identity of all persons authorized to use the cards, the credit limit on each card and the dollar limit, if any, for each person's authorized use of the card
 - i. costs incurred for out-of-state travel by the school administrator that is fully or partially paid for by the District and the details of each instance of such travel, including the identification of each individual on the trip, the destination and the purpose
 - j. the total salary and a description and cost of each fringe benefit included in the compensation package for the Chief Administrative Officer of the District and for each contractor of the District whose salary exceeds \$100,000.00
As used in this subdivision, "lobbying" means that term as defined in Section 5 of 1978 PA 472, MCL 4.415.

The Board shall have an audit of the District's financial and pupil accounting records conducted at least annually at the expense of the District. The Board shall retain these records for the current fiscal year and from at least the three (3) immediately preceding fiscal years.

The District's annual financial audit shall include an analysis of the financial and student accounting data used as the basis for distribution of State school aid. The student accounting records and reports, audits, and management letters are subject to requirements established in the auditing and accounting manuals approved and published by the Department.

Not later than November 1st of each year, the District shall file its annual financial audit report with all appropriate agencies.

The annual financial audit reports and student accounting procedures reports shall be available to the public in compliance with the Freedom of Information Act.

By November 1st of each year, the District shall submit to the Center for Educational Performance Information (CEPI), in a manner prescribed by the CEPI, annual comprehensive financial data consistent with accounting manuals and charts of accounts approved and published by the Department. This submission shall contain the District's web address where the required financial data is posted. The District shall also include a link on its websites to the website where the Department posts this financial information.

By September 30th of each year, the District shall file with the Department the special education actual cost report on a form and in a manner as prescribed by the State Department.

The District shall provide to the Department an annual progress report on the implementation of school improvement plans, curriculum, and accreditation as required by "Public Act 25 of 1990."

The District shall comply with the reporting requirements under State and Federal law, including reports to CEPI, as set forth by State law and as directed by CEPI. This shall include by:

- A. June 30th of each year, providing CEPI with information related to safety practices and criminal incidents;
- B. the first business day in December and June 30th of each year, providing CEPI with requested information related to educational personnel;
- C. not later than five (5) weeks after the student membership count day, providing CEPI in a manner prescribed by the CEPI, the information necessary for the preparation of the high school graduation report;
- D. October 7th of each year, providing CEPI with the transportation expenditure report.
- E. Before July 7th of each school fiscal year, providing to CEPI the budgetary assumptions used when adopting the annual budget pursuant to the Uniform Budgeting and Accounting Act if the District had a general fund balance of less than five percent (5%) of total general fund revenues for each of the two (2) most recently completed fiscal years.

Adopted 5/12/20

7000 **PROPERTY**

7217	Weapons	LR
7230	Gifts, Grants, and Bequests	BP
7300	Disposition of Real Property	BP
7310	Disposition of Surplus Property	LR
7410	Maintenance	BP
7420	Hygienic Management	BP
7430	Safety Standards	LC
7434	Use of Tobacco on District Premises	LR
7440	Facility Security	BP
7440.03	Small Unmanned Aircraft Systems	LC
7450	Property Inventory	LR
7455	Accounting System for Fixed Assets	BP
7510	Use of District Facilities	BP
7530	Lending of Board-Owned Equipment	BP
7530.01	Board-Owned Personal Communication Devices (7530.01V2)	LC
7540.01	Technology Privacy	LC
7540.04	District Technology Acceptable Use and Safety	LR
7540.05	District-Issued contractor and Board Member E-mail Account	BP
7541	Electronic Data Processing/Information System Disaster Recovery Plan	BP
7542	Access to District Technology Resources and/or Information Resources from Personal Communication Devices	BP
7544	Use of Social Media	LC

Adopted 5/12/20

WEAPONS

Reference: 18 USC. 921
MCL. 28.425o, 123.1101, 750.222
20 USC 4141(g)

The Board of Education prohibits visitors from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

The Board has a constitutional and statutory obligation to provide a free and appropriate education to all students who qualify. This includes the obligation to provide a safe and secure learning environment. The presence of dangerous weapons on school property or at school sponsored events, except under very controlled circumstances, creates a potentially dangerous situation for students, contractors and visitors, and may trigger precautionary safety responses which disrupt the educational process and learning environment for students.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage and/or endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including spring, air and gas-powered guns, (whether loaded or unloaded) that will expel a BB, pellet, or paintballs, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives or any other weapon described in 18 USC 921.

This prohibition applies regardless of whether the visitor is otherwise authorized by law to possess the weapon, including if the visitor holds a concealed weapons permit.

Exceptions to this policy include:

- A. weapons under the control of law enforcement personnel.

The Chief Administrative Officer shall refer a visitor who violates this policy to law enforcement officials and may take any steps necessary to exclude the visitor from District property and District-sponsored events.

Adopted 5/12/20

GIFTS, GRANTS, AND BEQUESTS

The Board of Education is duly appreciative of public interest in and good will toward the District, manifested through gifts, grants, and bequests. The Board reserves the right, however, to specify the manner in which gifts are made; to define the type of gift, grant, or bequest it considers appropriate; and to reject those it deems inappropriate or unsuitable. If accepted, the Board will attempt to carry out the wishes of the donor.

All gifts, grants, or bequests shall be accepted and acknowledged by the Board.

Gifts, grants, and bequests shall become the property of the Board and will be subject to use by the District, as determined by the policies and the administrative procedures applying to all properties, equipment, materials, and funds owned by the Board.

Before any equipment is purchased by a parent organization for use in the District or at a school-related event, a written proposal shall be submitted to the Board for approval prior to purchase, so the Board can determine if the District would incur any liability by the use of the equipment. The Board reserves the right to not accept such liability and, thus, deny approval of the proposed purchase.

Adopted 5/12/20

DISPOSITION OF REAL PROPERTY

References: 2 C.F.R. 200.85

The Board of Education believes that the efficient administration of the District requires the disposition of property and goods no longer necessary for the maintenance of the educational program or the operation of the District.

"Real Property" means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.

The Board shall direct the periodic review of all District property and authorize the disposition by sale, donation, trade, or discard of any property not required for District purposes in accordance with the provisions of this policy and Policy 7310 - Disposition of Surplus Property. The Board must approve the terms of any sale, lease or other disposition of real property.

All written offers on real property under consideration for disposition shall be presented as an item on the agenda of a public Board meeting. A preliminary review of offers to purchase or lease shall include: source of offer, date of offer, expiration date of offer, and intended use of property.

Written offers shall be referred to the Board Finance Committee for review and recommendations. Offers, when received, will be distributed to the members of the Board.

All property considered for (sale) disposition may be subjected to a current, outside, professional appraisal prior to the solicitation of offers.

All property considered for lease or sale shall be reviewed by the Board prior to solicitation of offers. The solicitation of offers by the Board shall include an expiration date.

The Board may offer real property for sale by any reasonable method, including listing with a real estate broker, soliciting bids, or auction.

The authorized agents of the Board to review all purchase or lease offers pertaining to sale or lease of property shall be the Chief Administrative Officer and the Board Finance Committee.

In consideration of the best interest of the District and of the residents and taxpayers, the Board reserves the right to reject any and all offers at its sole discretion, regardless of price and terms.

Potential purchasers or lessees shall demonstrate financial capability to meet the terms and conditions of their purchase or lease offer.

Potential purchasers shall demonstrate reasonable likelihood of obtaining necessary city/township approvals and/or compliance with city/township zoning ordinances.

Adopted 5/12/20

DISPOSITION OF SURPLUS PROPERTY

Reference: 2 CFR 200.312, 200.313

The Board of Education requires the Chief Administrative Officer to review the property of the District periodically to dispose of that material and equipment no longer usable in accordance with the terms of this policy.

Equipment

The District shall inspect the equipment used in the instructional program periodically to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

- A. repair parts for the equipment are no longer readily available
- B. repair records indicate the equipment has no usable life remaining
- C. obsolete equipment no longer makes a contribution to the educational program
- D. equipment has some potential for sale at an auction
- E. equipment poses a safety or environmental hazard

Disposition

The Chief Administrative Officer is authorized to dispose of obsolete instructional and other property through sale to the highest bidder, donation to appropriate parties, or proper waste removal. When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the District shall request disposition instructions from the Federal awarding agency, if required by the terms and conditions of the Federal award. Disposition of the equipment will then be made in accordance with disposition instructions of the Federal awarding agency.

If permitted by applicable law, items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.

Except as provided by applicable regulations or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the District or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the District may deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

The District may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the District shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

MAINTENANCE

Reference: Public Act 225 of 1993

The Board of Education recognizes that the fixed assets of this District represent a significant investment, and their maintenance is of prime concern to the Board.

The Board directs the conduct of a continuous program of inspection, maintenance, and rehabilitation for the preservation of the District buildings and equipment. Wherever possible and feasible, maintenance shall be preventive.

For implementation by the custodial and maintenance contractors, the Chief Administrative Officer shall develop a maintenance program that includes the following:

- A. a regular program of repairing and conditioning the facilities;
- B. the maintenance of a critical spare parts inventory;
- C. repair or replacement of equipment or facilities for safety, and/or other environmental concerns.

The Chief Administrative Officer shall develop and make known to the custodial and maintenance contractors whatever procedures are necessary for the ongoing maintenance and good order of the physical plant and for the expeditious repair of conditions that threaten the safety of the occupants or the integrity of the plant. Such procedures are to include provision for Handicapped Parking signs that conform to State law.

Adopted 5/12/20

HYGIENIC MANAGEMENT

Reference: AC Rule R340.1301

The Board directs a program of hygienic management be instituted in the District and explained annually to all contractors.

The Board shall request each facility be inspected for cleanliness and sanitation by a designated contractor.

In consultation with the designated contractor, the Chief Administrative Officer shall prepare procedures for handling and disposing of body wastes and fluids. Such procedures shall include the protection of contractors who clean or handle blood or blood-soaked items, vomit, saliva, urine, or feces; the disinfection of surfaces and items in contact with such matter; the disposal of such matter in sealed containers; and the frequent and thorough cleansing of hands and any other body parts that contact such matter.

The Chief Administrative Officer shall develop and supervise a program for the cleanliness and sanitary management of the District's buildings, grounds, and equipment pursuant to law.

The cleanliness of the buildings shall be the responsibility of the Chief Administrative Officer.

Adopted 5/12/20

SAFETY STANDARDS

Reference: MCL 380.1288
AC Rule 29.1 et. seq., 340.1301 et. seq.

The Board of Education believes that the contractors of this District, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with the law, the Board will provide reasonable and adequate protection to the lives, safety, and health of its contractors.

The Chief Administrative Officer shall be responsible for the maintenance of standards in the facilities to prevent accidents and minimize their consequences. He/She shall designate a contractor to conduct periodic audits of health and safety conditions within the facilities of the District in accordance with the Federal OSHA standards adopted by the State and shall take appropriate action on any violations to the Director of Operation.

The Chief Administrative Officer shall assure that the contractors and the community of this District are aware of their rights to an environment free of recognized hazards and that proper rules and records are maintained to meet the requirements of the law.

In the event an inspection is made by a representative of the State, the Chief Administrative Officer shall report the results to the Board at the meeting following the receipt of the State report.

Adopted 5/12/20

USE OF TOBACCO ON DISTRICT PREMISES

Reference: MCL 333.12601 et seq.
MCL 380.1170
MCL 750.473
20 USC 6081 et seq.
USDOE. Memorandum, 1995
MDE Board Policy on 24/7 Tobacco-Free Schools

The Board of Education believes that the right of persons to use tobacco must be balanced against the right of those who do not use tobacco to breathe air untainted by tobacco.

The use of tobacco products of any kind, including but not limited to cigarettes, cigars, pipes, and chewing tobacco, and by any person, is prohibited on District property (including grounds, buildings, and vehicles) and during any District-sponsored activity or event.

In order to protect who choose not to use tobacco from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco products on District premises (owned or leased), in District vehicles, at all District sponsored events and in all District buildings owned and/or operated by the District.

For purposes of this policy,

- A. "tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth.
- B. "use of a tobacco product" means any of the following:
 - 1. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device
 - 2. the inhaling or chewing of a tobacco product
 - 3. the placing of a tobacco product within a person's mouth
 - 4. and/or the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

The term "tobacco" includes any product that contains tobacco, is derived from tobacco, contains nicotine, or e-cigarettes and other electronic smoking devices (including but not limited to "JUUL's"), but does not include any cessation product approved by the United States Food and Drug Administration for use as a medical treatment to reduce or eliminate nicotine or tobacco dependence.

In order to protect contractors of the District who choose not to use tobacco from an environment noxious to them, and because the Board does not condone smoking and/or the use of tobacco, the Board prohibits the use of tobacco or tobacco substitute products at all times (twenty-four (24) hours a day, seven (7) days a week) within any enclosed facility owned or leased or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to

transport students and to all other Board-owned and/or operated vehicles. Such prohibition also apply to District grounds.

Adopted 5/12/20

FACILITY SECURITY

Buildings constitute the greatest financial investment of the District. It is in the best interest of the Board of Education to protect the District's investment adequately. The buildings and equipment owned by the Board shall be protected from theft and vandalism in order to maintain the optimum conditions for carrying out the educational programs.

The Chief Administrative Officer shall develop and supervise a program for the security of the District's contractors, visitors, school buildings, school grounds, and school equipment in compliance with State and Federal law. Such a program may include the use of video surveillance and electronic monitoring equipment in appropriate public areas in and around the schools and other school facilities.

Every effort shall be made to apprehend those who knowingly cause serious physical harm to contractors, visitors and Board property and may require prosecution of those who bring harm to persons and/or property. The Board will seek repair to rectify the damage or payment of a fee to cover the cost of repair or replacement from the person(s) responsible. A reward may be offered for apprehending such persons.

Appropriate authorities may be contacted in the case of serious offenses.

The Chief Administrative Officer shall report to the Board, no later than the next Board meeting, any significant incident involving vandalism, theft, personal safety or other security risk and the measures being taken to address the situation.

Adopted 5/12/20

SMALL UNMANNED AIRCRAFT SYSTEMS

Reference: 14 C.F.R. Part 107

The Board prohibits the operation of small Unmanned Aircraft Systems (sUAS) at any time by any individual who is not employed by the District, as well as by any District contractor who is not expressly authorized to do so by the Chief Administrative Officer, on property owned or leased or contracted for by the Board.

The Board also prohibits the operation of a sUAS (drone) on property owned or leased or contracted for by the Board during District-sponsored contests (including scrimmages and previews), practices, tournaments, and activities under the auspices of the Michigan High School Athletic Association (MHSAA). District officials may deny admission or entry to anyone attempting to use a sUAS until the event has been completed. Any exceptions to this prohibition must be approved in advance by the Chief Administrative Officer.

To be authorized to operate a drone on property owned or leased or contracted for by the Board, a contractor must have a Remote Pilot Certificate issued by the Federal Aviation Administration (FAA). Further, the drone must be registered with the FAA and properly marked in accordance with 14 C.F.R. Part 107.

A contractor authorized to operate a drone on property owned or leased or contracted for by the Board, must also comply with all rules set forth in 14 C.F.R. Part 107. (See AG 7440.03)

Failure to adhere by all rules set forth in 14 C.F.R. Part 107 and AG 7440.03 may result in loss of authorization to operate a drone to operate on property owned or leased or contracted for by the Board, referral to local law enforcement, and/or further disciplinary action, up to and including termination.

Adopted 5/12/20

PROPERTY INVENTORY

As steward of this District's property, the Board of Education recognizes that efficient management and full replacement upon loss require accurate inventory and properly maintained property records.

The Board shall conduct and maintain a continuous inventory of all District-owned equipment and supplies in accordance with all applicable law.

The duty of the Chief Administrative Officer shall be to ensure that inventories are recorded systematically and accurately and that property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

Equipment acquired under a Federal award will vest upon acquisition to the District, subject to the following conditions:

- A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.
- B. The equipment shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.
- C. The equipment may only be used and disposed of in accordance with the provisions of the Federal awarding agency or the pass-through entity and Board Policy and guidelines.
- D. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the Federal Award Identification Number (FAIN), title entity, acquisition date, cost of the equipment, percentage of Federal participation in the project costs for the award under which the equipment was acquired, the location, use, and condition of the equipment, and ultimate disposition data, including date of disposal and sale price of the equipment.
- E. A physical inventory of the property must be taken and results reconciled with property records at least once every two (2) years.
- F. A control system shall be developed to provide adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft shall be investigated.
- G. Adequate maintenance procedures shall be implemented to keep the property in good condition.

Adopted 5/12/20

ACCOUNTING SYSTEM FOR FIXED ASSETS

The Board of Education shall maintain an accounting system for fixed assets. The fixed asset system shall maintain sufficient information to permit the following:

- A. the preparation of year-end financial statements in accordance with generally-accepted accounting principles;
- B. adequate insurance coverage;
- C. control and accountability.

The Chief Administrative Officer shall be responsible for the development and maintenance of the fixed-asset accounting system. The Chief Administrative Officer shall develop procedures to ensure compliance with all fixed-asset policies.

Fixed assets are defined as those tangible assets of the District with a useful life in excess of one (1) year and an initial cost equal to or exceeding \$5,000. Some items may be identified as "controlled" assets that are to be recorded on the fixed-asset system to maintain control, although they may not meet all fixed-asset criteria.

The following items shall be classified as fixed assets:

- A. land;
- B. building;
- C. improvements other than building;
- D. machinery and equipment;
- E. furniture and fixtures;
- F. vehicles;
- G. plant (aerator);
- H. underground lines;
- I. construction-in-progress;
- J. computers (identified as "controlled" and monitored in the fixed asset management system).

Leased fixed assets and assets jointly owned shall also be identified and recorded on the fixed asset system.

Fixed assets shall be recorded at historical cost or, if that amount is not practicably determinable, at estimated historical cost. The method(s) to be used to estimate historical cost shall be established by the Chief Administrative Officer.

The purchase of fixed assets, the transfer of fixed assets between buildings, and the disposal of fixed assets shall be initiated by the Chief Administrative Officer and shall require the prior

written approval of the Board. An asset to be disposed of by sale with a current value in excess of \$100,000 shall be sold at auction. An auction shall be held at the discretion of the Board when sufficient assets have accumulated to warrant the cost. The CFO shall establish minimum acceptable prices for assets sold at auction.

Depreciation shall be recorded for fund fixed assets, using the method(s) agreed upon by the Chief Administrative Officer.

Accumulated depreciation shall be calculated on a straight-line basis and recorded for general fixed assets.

The following information shall be maintained for all fixed assets:

- A. description;
- B. asset classification (land, building, equipment, etc.);
- C. location;
- D. purchase price;
- E. vendor;
- F. date purchased;
- G. voucher number;
- H. estimated useful life;
- I. estimated salvage value;
- J. replacement cost;
- K. accumulated depreciation;
- L. method of acquisition (purchase, trade-in, lease, donated, etc.);
- M. appropriation;
- N. manner of asset disposal;

Adopted 5/12/20

USE OF DISTRICT FACILITIES

The use of District grounds and facilities shall not be granted to any person, organization, group, association, or corporation for any purpose, with the exception of the leasing of the Barber Elementary School facility for use as a public school academy.

Adopted 5/12/20

LENDING OF BOARD-OWNED EQUIPMENT

The Board of Education believes that District-owned equipment is a valuable resource that will not be loaned for community use under any conditions.

Adopted 5/12/20

BOARD-OWNED PERSONAL COMMUNICATION DEVICES

The Board of Education will provide personal communication devices (“PCDs”) to contractors who by the nature of their job have a routine and continuing business need for the use of such devices for official Board business. For purposes of this policy, “personal communication device” includes computers, tablets (e.g., iPads and similar devices), electronic readers (“e-readers”; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones [e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.], and/or other web-enabled devices of any type. PCDs are provided as tools to conduct Board business and to enhance business efficiencies. Board-owned cell phones are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct Board business (i.e., because some cellular telephone services plan are billed on a time-used basis, Board-owned cell phones should not be used if a less costly alternative method of communication is safe, convenient and readily available).

The Chief Administrative Officer will recommend and the Board will approve the contractors who will be issued a Board-owned cell phone and provided with a cellular telephone and/or wireless Internet/data service plan.

The Chief Administrative Officer or his/her designee is responsible for verifying:

- A. the need for each Board-owned cell phone and related service plan is clearly justified for Board business purposes;
- B. alternative solutions for work production and communication are considered;
- C. contractors provided with cellular and/or wireless Internet/data service plans are notified of the purpose and limitations of usage;
- D. cellular telephone and wireless Internet/data service plan invoices outlining the details of usage are received and reviewed for conformance with this policy;
- E. contractors reimburse the Board for non-business use; and
- F. a Board-owned cell phone is returned and the corresponding cellular telephone and/or wireless Internet/data service plan is terminated when it is no longer justified by business requirements, the contractor leaves the Board's employment, and/or when the contractor has demonstrated a disregard for the limitation of this policy.

Board-owned cell phones and/or their related service plans are to be used only to place calls, access the Internet, or receive/send e-mails, instant messages or text messages for Board business purposes.

Furthermore, Board-owned cell phones are not to be used to place calls or send/receive e-mails, instant messages or text messages of a personal nature, or access the Internet for personal business.

Cellular and wireless Internet/data service plans are expected to be set at the minimum level that fulfills the business need for the position in question. The service plan that is selected for an contractor should be the one that provides a combination of services including number of

minutes, coverage, and local call zone most nearly matching the contractor's recurring business needs as well as whether or not the service plan includes text messaging, instant message and/or e-mail capability, and ability to access the Internet. If the service plan is based on minutes used for calls made or includes a charge regarding e-mail or instant messages, the smallest plan available to accommodate the particular business need shall be utilized.

The Board shall approve the Chief Administrative Officer's recommendation regarding the type and level of cellular telephone and wireless Internet/data service appropriate for each contractor listed above. In all cases, the Chief Administrative Officer shall take the steps necessary to secure the most economical and responsible service available.

Thereafter, an annual review of the service plans available shall be made to determine if the District's plans are the most economical and responsible available. Additionally, at least once annually, the Chief Administrative Officer shall review the contractor's actual usage (i.e., type and level of service) with the contractor and, if warranted, authorize the acquisition of a different cell phone and/or selection of a different service plan that more nearly matches the contractor's recurring business needs. Any such change in provider and/or necessary adjustments to individual contractors device and/or service plan shall be presented to the Board for consideration and approval.

Possessing a Board-owned cell phone and/or other PCD is a privilege and all contractors are expected to use them appropriately and responsibly. Contractors are responsible for managing the cost effectiveness of their cell phone and/or PCD use by utilizing assigned landline and/or designated computers as available and appropriate. Contractors should know that using a cell phone to place calls outside the immediate area might result in roaming charges, in addition to long distance and regular charges, and that the Board is charged for both outgoing and incoming calls.

In order to continue to be eligible to receive a Board-owned cell phone, contractors are required to answer all calls on his/her Board-owned cell phone and promptly respond to any messages.

Safe and Appropriate Use of Board-Owned PCDs, Including Cell Phones

Contractors' safety is a priority of the Board, and responsible use of Board-owned PCDs, including cell phones, requires safe use.

Contractors may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information; Public and Student Record Requirements

Contractors are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their Board-owned PCDs.

When the Board intends to dispose of, or otherwise stop using, a Board-owned PCD on which a contractor has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the District's IT department/ contractors shall verify such records are properly transferred to an alternative storage device, before disposing of, or otherwise ceasing to use, the PCD. The IT department/ contractors are responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the Board-owned PCD. The IT

department/contractors are responsible for maintaining documentation concerning the actions it takes to comply with this requirement.

Contractors Responsibilities

Contractors are responsible for the safekeeping, care and custody of the Board-owned PCDs assigned to them. Further, contractors are responsible for the cost of misuse, intentional damage or reckless loss of the Board-owned PCDs provided to them. The Board does not provide or purchase insurance to cover loss or damage to its PCDs.

Reasonable precautions should be taken to prevent theft, loss or damage to, or misuse or unauthorized use/access to, Board-owned PCDs. Upon resignation or termination of employment, or at any time upon request, a contractor may be asked to produce the Board-owned PCD issued to him/her for return or inspection. Contractors unable to present the device in good working condition within the time period requested (e.g., twenty-four (24) hours) will be expected to bear the cost of a replacement. Contractors who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Any contractor who regularly places or receives personal calls, or uses his/her Board-owned cell phone to send/receive personal e-mails, text messages, or instant messages, shall be subject to disciplinary action. Use of a Board-owned PCD by a contractor to access a personal e-mail account or connect to the Internet for personal business is strictly prohibited.

PCDs may not be transferred to any other contractor without prior notification and approval of the Chief Administrative Officer. Contractors provided with a PCD understand that the PCD is owned by the Board. Any alteration or switching of PCDs must be approved in advance by the Chief Administrative Officer.

Cell phone numbers provided by the Board, via contract with a cellular telephone service provider/vendor, are considered business numbers of the District, which shall remain and belong to the Board for its use, unless otherwise changed by the service provider/vendor or as mandated by the Federal Communications Commission.

The Board reserves the right to audit all Board-owned cell phones, which will include, but not be limited to, a review of the detailed monthly statement upon submission after the requisite review by the contractor. The detailed monthly service statements for all Board-owned cell phones, as well as invoices and payment documents related to these accounts, are public records and, as such, may be subject to disclosure and review.

Use of Board-owned Cell Phones for Personal Calls

The Board recognizes that in rare circumstances it may be necessary for a contractor to use a Board-owned cell phone for personal business. The Board generally prohibits such conduct as emphasized by this policy, but realizes there may be limited situations when such use is justified. Contractors are advised not to take advantage of this provision and that repeated use of a Board-owned cell phone for personal business will result in disciplinary action.

Board-owned cell phones are a public resource and may be used for Board business only. Contractors are advised to obtain and carry a personally-owned cell phone for personal use at their own expense. Board-owned cell phones may not be used for personal uses, except in clearly urgent situations, when no other telephone is readily available, and the call is related

to the conduct of official business. Thus, calls, e-mails, text messages, or instant messages home notifying family of the contractor's whereabouts, etc. when required to work extended hours shall be considered business-related. Such communications should be kept brief and to the point. Board-owned cell phones should not be misused for personal business. If a contractor determines the need to make or receive a personal call on a Board-owned cell phone, or send or receive a text message, instant message or e-mail of a personal nature then the contractor is required to pay the Board the full cost related to such activity, including the pro rata amount of the monthly service charge. Contractors in such circumstances are responsible for generating their own log/record of personal communications made on the Board-owned cell phone, reviewing the monthly statement to differentiate between business-related and personal calls, and remitting the full amount owed for personal calls within thirty (30) days of the receipt of the monthly statement. The Board will engage in a mandatory monthly audit of the contractor's records and the monthly statement to verify that reimbursements are both accurate and timely made, and to verify that the contractor is charged the appropriate pro rata amount of the monthly service charge. Failure to reimburse the Board within the specified period may result in deduction of the amount due from the contractor's paycheck, or final check upon termination of employment, or garnishment of wages if the contractor has received his/her final check upon termination of employment.

Potential Disciplinary Action/Cancellation of Board-Owned PCD

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of the Board-owned PCD in any manner contrary to local, State or Federal laws will constitute misuse, and will result in the Board canceling the contractor's privilege to use the PCD and requiring the contractor to immediately return the device.

Adopted 5/12/20

TECHNOLOGY PRIVACY

The Board of Education recognizes the right to privacy of contractors in their personal lives. This policy serves to inform contractors of the Board's position regarding contractors' privacy in the educational workplace setting. The policy also serves to protect the Board's interests.

All District Technology Resources (as defined in Bylaw 0100) are the Board's property and are intended to be used primarily for business purposes. The Board retains the right to access and review all Information Resources (as defined in Bylaw 0100), including but not limited to electronic and voice mail, computer files, data bases, and any other electronic transmissions contained within, or used in conjunction with, the Board's computer system/network, telephone system, electronic mail system, and voice mail system. Contractors shall be notified that they have should have no expectation that any personal information/data maintained, stored, or transmitted contained on or through such systems is confidential or private.

Review of such information may be done by the Board with or without the contractor's knowledge. The use of passwords does not guarantee confidentiality, and the Board retains the right to access information in spite of a password. All passwords or security codes must be registered with the Board. A contractor's refusal to permit such access may be grounds for discipline up to, and including, discharge.

District Technology Resources are to be used only for the District's business and educational purposes.

No personal messages should be exchanged via Board-owned technology. Because District Technology Resources are to be used primarily for business and educational purposes, contractors are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

Contractors are encouraged to keep their personal records and personal business at home.

District Technology Resources must be used properly. Review of computer files, electronic mail, and voice mail will be conducted only in the ordinary course of business and will be motivated by a legitimate business reason. If a contractor's personal information is discovered, the contents of such discovery will be limited to those who have a specific need to know that information. The discovered contents will not be reviewed by the Board, except to the extent necessary to determine if the files/e-mail/voice mail constitute a public record or if the Board's interests have been compromised. The administrators and supervisory contractors authorized by the Chief Administrative Officer have the authority to search and access information electronically.

All District Technology Resources and District Information Resources are the property of the Board. Contractors shall not copy, delete, or remove any information/ data contained on the Board-owned computers or servers without the express permission of the Chief Administrative Officer. Further, contractors shall not communicate any such information to unauthorized individuals. In addition, contractors may not copy software from or onto any District Technology Resources and may not bring software from outside sources for use on District Technology Resources without the prior approval of the Chief Administrative Officer. Such pre-approval shall include a review of any copyright infringements or virus problems associated with such outside software.

DISTRICT TECHNOLOGY ACCEPTABLE USE AND SAFETY

Source: P.L. 106-554, Children's Internet Protection Act of 2000
P.L. 110-385, Title II, Protecting Children in the 21st Century Act
18 USC 1460
18 USC 2246
18 USC 2256
20 USC 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)
47 USC 254(h), (1), Communications Act of 1934, as amended (2003)
47 C.F.R. 54.520

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. The Board of Education provides Technology and Information Resources (as defined by Bylaw 0100) to support the professional needs of its contractor. The Board provides contractors with access to the Internet for limited purposes only and utilizes online services/apps to enhance and facilitate the contractor's work. The District's computer network and Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited purpose.

The Board regulates the use of District Technology and Information Resources by principles consistent with applicable local, State, and Federal laws, and the District's mission. This policy and its related administrative guidelines, Policy 7544, and any applicable contracts govern the contractors' use of the District's Technology and Information Resources and contractor's personal communication devices when they are connected to the District's computer network, Internet connection and/or online services/apps, or when used while the contractor is on Board-owned property or at a Board-sponsored activity.

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its Technology Resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using District's Technology and Information Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the District's computer network and/or Internet connection).

The Internet is a global information and communication network that brings information resources to our District. The Internet connects computers and users in the District with computers and users worldwide. Further, District Technology Resources provide contractors with the opportunity to communicate with other people from throughout the world. Access to such a quantity of information and resources brings with it, however, certain unique challenges and responsibilities.

The Board may not be able to technologically limit access over its Technology Resources, to only those services and resources that have been authorized.

Pursuant to Federal law, the Board has implemented technology protection measures, that, protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or Chief Administrative Officer, the technology protection measures may also be configured to protect against access to other

material considered inappropriate. The Board also utilizes software and/or hardware to monitor online activity of contractors to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful. However, the Board is cognizant of the fact that such software and/or hardware is not perfect and relies on contractors to self-police (and immediately cease viewing) online activity that would otherwise be in conflict with these policies and to immediately report such to the Chief Administrative Officer. The technology protection measures may not be disabled at any time. Any contractor who attempts to disable the technology protection measures without express written consent of the Chief Administrative Officer will be subject to disciplinary action, up to and including termination.

The Chief Administrative Officer may temporarily or permanently unblock access to websites or online services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.

The Chief Administrative Officer is responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media including in chat rooms, and cyberbullying awareness and response. All users of District Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying procedures.

The Board expects all District contractors to be responsible for good behavior on when using District Technology and Information Resources – i.e., behavior comparable to that expected when in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. The Board does not approve any use of its Technology and Information Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines and Policy 7544.

General District rules for behavior and communication apply.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District Technology and Information Resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Chief Administrative Officer as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to contractors' use of District Technology and Information Resources.

Adopted 5/12/20

DISTRICT-ISSUED CONTRACTORS AND BOARD MEMBERS E-MAIL ACCOUNT

Contractors and Board Members

The Board of Education is committed to the effective use of electronic mail ("e-mail") by all contractors and Board members in the conduct of their official duties. This policy and any corresponding procedures are intended to establish a framework for the proper use of e-mail for conducting official business and communicating with colleagues, students, parents and community members.

When available, the District's e-mail system must be used by Board members and contractors for any official District e-mail communications. Furthermore, Board Members and contractors are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the District's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

District Board Members and contractors shall not send or forward mass e-mails, even if the e-mails concern District business, without prior approval of the Chief Administrative Officer.

District Board Members and contractors may join list serves or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the District, provided these list serves or other e-mail services do not exceed the contractors e-mail storage allotment.

Public Records

The District complies with all Federal and State laws pertaining to electronic mail. Accordingly, e-mails written by or sent to contractors and Board members may be public records if their content concerns District business, or education records if their content includes personally identifiable information about a student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. E-mails that are student records must be maintained pursuant to Policy 8330 – Student Records. Finally e-mails may constitute electronically stored information ("ESI") that may be subject to a litigation hold pursuant to Policy 8315 – Information Management.

State and Federal law exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the e-mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request involving ESI.

E-mails written by or sent to Board members or contractors by means of their private e-mail account may be public records if the content of the e-mails concerns District business, or education records if their content includes personally identifiable information about a student. Consequently, Board Members and contractors shall comply with an District request to produce copies of e-mail in their possession that are either public records or education records, or that constitute ESI that is subject to a litigation hold, even if such records reside on a computer owned by an individual contractor, or are accessed through an e-mail account not controlled by the District.

Retention

Pursuant to State and Federal law, e-mails that are public records or education records, and e-mails that are subject to a litigation hold shall be retained.

E-mail retention is the responsibility of the individual e-mail user. Users must comply with District guidelines for properly saving/archiving e-mails that are public records, student education records, and/or subject to a litigation hold. E-mails sent or received using the District's e-mail service are automatically retained. This retention is for disaster recovery and not to provide for future retrieval. The District does not maintain a central or distributed e-mail archive of e-mail sent and/or received. Any questions concerning e-mail retention should be directed to the Chief Administrative Officer.

Unauthorized E-mail

The Board does not authorize the use of its Technology Resources, including its computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Adopted 5/12/20

ELECTRONIC DATA PROCESSING/INFORMATION SYSTEM DISASTER RECOVERY PLAN

The Board of Education is committed to maintaining and protecting the District's Information System. The Board believes that a complete and accurate Information System, including educational, student, fiscal and personnel information, is vital to the Board's ability to deliver uninterrupted educational service to the community it represents. To that end, the Chief Administrative Officer is directed to develop, test, and maintain an *Electronic Data Processing/Information System Disaster Recovery Plan* for use in the event a disaster should disable the District's electronic data processing equipment.

The Disaster Recovery Plan may include the following:

- A. equipment insurance;
- B. procedures and personnel used to backup all programs and data on a daily, monthly, quarterly, and year-end basis;
- C. backup storage off-site;
- D. maintenance agreements for hardware and software (including, but not limited to the operating system);

Adopted 5/12/20

ACCESS TO DISTRICT TECHNOLOGY RESOURCES AND/OR INFORMATION RESOURCES FROM PERSONAL COMMUNICATION DEVICES

For purposes of this policy, “personal communication device” (PCD) includes computers, tablets (e.g., iPad-like devices), electronic readers (“e-readers”; e.g., Kindle-like devices), cell phones, smartphones (e.g., iPhones, Android devices, Windows Mobile devices, etc.), and/or other web-enabled devices of any type.

The Board permits contractors, Board members and guests to use their “PCDs” to wirelessly access the District’s Technology and/or Information Resources (as defined in Bylaw 0100) while they are on-site at any District facility.

The use of PCDs must be consistent with the established standards for appropriate use as defined in, Policy 7540.04 – District Technology Acceptable Use and Safety. When an individual connects to and uses the District’s Technology and/or Information Resources, s/he must agree to abide by all applicable policies, administrative procedures and laws (e.g., the user will be presented with a “splash screen” that will set forth the terms and conditions under which s/he will be able to access the District’s Technology and/or Information Resource(s); the user will need to accept the stated terms and conditions before being provided with access to the specified technology resource(s)).

Any user who violates the established standards and/or the Board’s Acceptable Use policy, or who accesses the District’s technology resources without authorization may be prospectively denied access to the District’s technology resources. If the violation is committed by a contractor, vendor or agent of the District, the contract may be subject to cancellation. Further disciplinary action may be taken if the violation is committed by Board Member or contractor.

The owner of a PCD bears all responsibility and assumes all risk of theft, loss, or damage to, or misuse or unauthorized use of the device while it is on Board property. This provision applies to everyone, regardless of their affiliation or connection to the District.

Adopted 5/12/20

USE OF SOCIAL MEDIA

Reference: 20 U.S.C. 1232g
34 C.F.R. Part 99
Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 (2008)
Children's Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)

Technology is a powerful tool to enhance education, communication, and learning.

The Board of Education authorizes the use of social media to promote community involvement and facilitate effective communication with community. Social media is defined in Bylaw 0100.

The Chief Administrative Officer is charged with designating the District-approved social media platforms/sites, which shall be listed on the District's website.

In designating District-approved social media platforms/sites, the Chief Administrative Officer shall specify which platforms/sites are appropriate for use at the District-level, the building or department level, for extra-curricular activities, and at the individual level by contractors for professional purposes.

The District recognizes that contractors may use social media for personal, as well as professional reasons. The District neither encourages nor discourages contractors' use of social media for personal purposes. The District regulates contractors' use of social media for purposes related to their District assignment to the same extent as it regulates any other form of contractor communication in that regard.

The District uses approved social media platforms/sites as interactive forms of communication and accepts public comments. The District-approved social media platforms/sites are considered limited public forums. As such, the District will monitor posted comments to verify they are on-topic, consistent with the posted rules for use of the forum, and in compliance with the platform/site's applicable terms of service. The Board's review of posted comments will be conducted in a viewpoint neutral manner, and consistent with State and Federal law. Contractors' personal posts on the public platforms/sites are limited/restricted to matters of general public interest that are not related to the contractor's specific employment and wholly unrelated to the contractor's job responsibilities (i.e., matters where it is clear the individual is posting not in an official capacity, but simply as a member of the public). Contractors in administrative positions are ordinarily not permitted to post personal comments on matters of general public interest because to do so could be misconstrued as Board-sponsored speech.

Each District-approved social media account/site must contain a statement that specifies its purpose(s) and limits those who access the social media account/site to use of the account/site only for that/those purpose(s), and in accordance with any specified procedures, and applicable terms of service. Users are personally responsible for the content of their posts.

Expected Standards of Conduct on District-Approved Social Media

Contractors' and Board Members who access District-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner. Students, parents, and members of the general public who access District-approved social media platforms are similarly expected to conduct themselves in a respectful, courteous, and civil manner.

District-approved social media sites shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with District operations; or interferes with the rights of others. The District may exercise editorial control over the style and content of student speech on District-approved social media, if reasonably related to legitimate pedagogical concerns. Contractors and Board Members who post prohibited content shall be subject to appropriate disciplinary action.

The District is committed to protecting the privacy rights of students, Board members, and contractors on District-approved social media sites. District Board members and contractors are prohibited from posting or releasing confidential information about students, contractors, volunteers, or District operations through social media, without appropriate consent (i.e., express written consent from the parent of a student, the affected contractor or volunteer, or the Chief Administrative Officer concerning District operations).

Retention of Public/Student Records

District communications that occur through the use of District-approved social media platforms/sites – including contractors use of social media with, comments, replies, and messages received from the general public – may constitute public records, and all such communications will be maintained (i.e., electronically archived) in accordance with the Board's adopted record retention schedule and all applicable State statutes. Records that are not part of the performance of an official function do not become public records by mere retention by the District under this policy.

Adopted 5/12/20

8000 **OPERATIONS**

8120	Iran Economic Sanctions Act Compliance	LR
8142	Criminal History Record Check	LR
8142.01	Weapons	LR
8300	Continuity of Organizational Operations Plan	BP
8305	Information Security	BP
8310	Public Records	LR
8315	Information Management	BP
8320	Personnel Files	BP
8321	Criminal Justice Information Security (Non-Criminal Justice Agency)	LR
8325	Receipt of Legal Documents	BP
8330	Student Records	LR
8340	Letters of Reference	LR
8351	Breach of Confidential Information	BP
8410	Crisis Intervention	BP
8431	Preparedness for Toxic Hazards and Asbestos Hazard	LR
8453.01	Control of Blood-Borne Pathogens	LC
8710	Insurance	LC
8740	Bonding	BP
8900	Anti-Fraud	BP

Adopted 5/12/20

IRAN ECONOMIC SANCTIONS ACT COMPLIANCE

Reference: M.C.L. 329.311 – 329.316

The District will not enter into or renew a contract with any Iran linked business while Iran is a State sponsor of terror as defined under Section 2 of the Divestment From Terror Act, 2008 PA 234, MCL 129.292. To this end, and in accordance with the Iran Economic Sanctions Act of Michigan, the District shall require a person that submits a bid on a request for proposal with the District to certify that it is not an Iran linked business.

If the District determines, using credible information available to the public, that a person has submitted a false certification, the District shall provide the person with written notice of its determination and of the intent not to enter into or renew a contract with the person. The notice shall include information on how to contest the determination and specify that the person may become eligible for a future contract with the District if the person ceases the activities that cause it to be an Iran linked business. The person shall have ninety (90) days following receipt of the notice to respond in writing and to demonstrate that the determination of false certification was made in error. If a person does not make that demonstration within ninety (90) days after receipt of the notice, the District may terminate any existing contract and shall report the name of the person to the attorney general together with information supporting the determination.

"Person" means any of the following:

- A. An individual, corporation, company, limited liability company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group.
- B. Any governmental entity or instrumentality of a government, including a multilateral development institution, as defined in section 1701(c)(3) of the international financial institutional act, 22 U.S.C. 262r(c)(3).
- C. Any successor, subunit, parent company, or subsidiary of, or company under common ownership or control with, any entity described in subparagraph A. or B.

"Iran Linked Business" means either of the following:

- A. A person engaging in investment activities in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran.
- B. A financial institution that extends credit to another person, if that person will use the credit to engage in investment activities in the energy sector of Iran.

"Iran" means any agency or instrumentality of Iran.

"Energy Sector of Iran" means activities to develop petroleum or natural gas resources or nuclear power in Iran.

"Investment" means one (1) or more of the following:

- A. A commitment or contribution of funds or property.
- B. A loan or other extension of credit.
- C. The entry into or renewal of a contract for goods or services.

"Investment activity" means one (1) or more of the following:

- A. A person who has an investment of \$20,000,000.00 or more in the energy sector of Iran.
- B. A financial institution that extends \$20,000,000.00 or more in credit to another person, for forty-five (45) days or more, if that person will use the credit for investment in the energy sector of Iran.

Adopted 5/12/20

CRIMINAL HISTORY RECORD CHECK

Reference: M.C.L. 380.1230 et. seq., 380.1535, 380.1535a, 380.1809, 28.722

Before the District hires any contractor (full or part-time) or allows any individual under contract to continuously and regularly work in the schools, a criminal history records check shall be conducted in accordance with State law.

"Under contract" shall apply to individuals, as well as owners and contractors of entities, who contract directly with the District or with a third-party vendor, management company, or similar contracting entity, to provide food, custodial, transportation, counseling or administrative services on more than an intermittent or sporadic basis. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

Prior to allowing an individual, who is subject to the criminal history record check requirement, to work in the District, the District shall submit a fingerprint-based check on the individual, using Michigan State Police (MSP) Form RI-030 (7/2012), regardless of whether the individual will work directly for the District or be contracted through a third-party vendor, management company or similar contracting entity ("Private Contractors"). Except as provided below, the report from the MSP must be received, reviewed and approved by the District prior the individual commencing work.

Such Private Contractors cannot receive or retain criminal history record information ("CHRI").¹ Where the District will contract with a Private Contractor for the services of an individual, the District will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the District. The District may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the District should use the Affidavit of Assignment or similar "red light/green light" procedure.

Should it be necessary to employ a person or contract for a person to maintain continuity of the program prior to receipt of the criminal history report, the Chief Administrative Officer may contract on a provisional basis until the report is received. Any such provisional hire requires that:

- A. the record check has been requested;
- B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and
- C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

For substitute teachers or substitute bus drivers currently working in another district, public school District or non-public school in the State, the Chief Administrative Officer may use a report received from the State Police by such school to confirm the individual has no criminal history. Absent such confirmation, a criminal history record check shall be performed.

¹ Individuals who submit and receive such criminal history record checks on behalf of the District must be direct contractors of the District or, if such access is approved by the Board. Notwithstanding this, Information Technology contractors and vendors may be granted access to CHRI subject to successful completion of a national fingerprint-based criminal history record check as detailed in Policy 8321

Individuals working in multiple districts or schools may authorize the release of a prior criminal history records check with another district or District in lieu of an additional check for either direct employment or working regularly and consistently under contract in the schools.

Individuals who previously received a statutorily required criminal background check and who have been continuously employed by a school district, intermediate school district, public school District or non-public school within the State, with no separation, may have their previous record check sent to the District in lieu of submitting to a new criminal background check. If this method is used, the Chief Administrative Officer must confirm that the record belongs to that individual and whether there have been any additional convictions by processing the individual's name, sex and date of birth through the Internet Criminal History Access Tool (ICHAT).

"No separation," for purposes of the preceding paragraph, means a lay-off or leave of absence of less than twelve (12) months with the same employer; or the contractor transfers without a break in service to another school district, intermediate school district, public school District or non-public school within the State.

All criminal history record check reports received from the State Police or produced by the State Police and received by the District from another proper source will be maintained in the individual's personnel record.

When the District receives a report that shows an individual has been convicted of a listed offense under state statutes or any felony, the Chief Administrative Officer shall take steps to verify that information using public records, in accordance with the procedures provided by the State Department of Education.

Verified convictions may result in termination of employment or rejection of an application. The District will not hire or continue to employ any individual, either directly or as a contracted contractor to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722. The District will not hire or continue to employ any individual, either directly or as a contracted contractor to work regularly and continuously in the schools, who has been convicted of any felony unless both the Chief Administrative Officer and the Board provide written approval.

The District must report as directed by and to the State Department of Education the verified information regarding conviction for any listed offense or conviction for any felony and the action taken by the District with regard to such conviction. Such report shall be filed within sixty (60) days or receipt of the original report of the conviction.

The Chief Administrative Officer shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police any criminal history on the applicant maintained by the State Police. In addition, they shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must provide, at the District's expense, a set of fingerprints, prepared by an entity approved by the Michigan State Police, upon receiving an offer of employment, or as required by State law for continued employment.

Confidentiality

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those who have not been given access to the CHRI by the Chief Administrative Officer or the Board. Records

involving misdemeanor convictions for sexual or physical abuse or any felony are not subject to these restrictions. Violation of confidentiality is considered a misdemeanor punishable by a fine up to \$10,000.

Any notification received from the Michigan Department of Education or Michigan State Police regarding District contractors with criminal convictions shall be exempt from disclosure under the Freedom of Information Act (FOIA) for the first fifteen (15) days until the accuracy of the information can be verified. Thereafter, only information about felony convictions or misdemeanor convictions involving physical or sexual abuse may be disclosed in reference to a FOIA request.

Criminal history reports may be released with the written authorization of the individual.

Records may also be released, in accordance with statute, upon the request of a school district, intermediate school district, public school District or non-public school when the individual is an applicant for employment at such school and there has been no separation from service, as defined in this policy and by statute.

Adopted 5/12/20

WEAPONS

The Board prohibits any person who is under contract from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a District-sponsored event, including athletic events, or in an District vehicle.

"Under contract" shall apply to individuals, as well as owners and contractors of entities, who contract directly with the District or with a third-party vendor, or similar contracting entity, to provide staffing, educational, food, custodial, transportation, counseling or administrative services to the District. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

The term "weapon" means any object which, in the manner in which it used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited firearms, guns of any type including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapon, ammunition, and explosives or any other weapon described in 18 U.S.C. 921.

The Chief Administrative Officer shall refer an individual who violates this policy to law enforcement officials. The District may also take other action against the individual and/or his/her employer, including, but not limited to, requiring that the individual not be allowed to provide services to the District in the future and/or terminating any contractual relationship with the individual and/or the employer.

Individuals under contract shall immediately report knowledge of dangerous weapons and/or threats of violence by students, contractors, or other individuals to the Chief Administrative Officer.

Adopted 5/12/20

CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN

The Continuity of Organizational Operations Plan (COOP) provides the District with the capability of conducting its essential operations under all threats and conditions with or without warning. Having a plan to recover from any type of disaster regardless of the severity and consequences of the emergency is critical to recovery of operations and can minimize the impact on the District's teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources.

Scope of the Continuity Plan

The primary objective of the COOP is to restore the District's critical operational functions and the learning environment as quickly as possible after a crisis or threat event has occurred. A COOP contains critical and sensitive information that is confidential and exempt from public disclosure.

Planning for the continuity of operations of a school system in the aftermath of a disaster is a complex task. The current changing threat environment and recent emergencies, including acts of nature, accidents, technological emergencies, and terrorist attacks and threats, have increased the need for viable continuity capabilities and plans that enable the District to resume and continue the essential functions in an all-hazards environment across a full spectrum of emergencies. Such conditions have increased the importance of having continuity plans in place that provide stability of essential functions across the various levels of public government and private enterprises.

The planning and development of continuity of an organizational operations plan, as well as the ongoing review and revision of such a plan, is important for the overall District and department in the District.

The District-wide plan describes how the District will respond as a total organization to a given emergency and describes the centralized resources and how they will be organized to implement command and control necessary to function during the life cycle of the event. Individual school and departmental plans contain the details related to the continuity plan for those specific sites and functional areas to prepare for an event, communicate throughout the duration of an event, assess the impact of an event on essential functions in the unit, respond to the event, and detail what will be done to recover from the event.

Preparation for, response to, and recovery from a disaster affecting administrative, educational, and support functions of the District's operations requires the cooperative efforts of external organizations, in partnership with the functional areas supporting the business of the District. This includes local government agencies, law enforcement, emergency management, medical services, and vendors necessary to District operations. The COOP outlines and coordinates all efforts by the District in cooperation with other local and State agencies and businesses to restore the essential functions of the District to the larger local community post-disaster.

The Chief Administrative Officer shall recommend the COOP for Board of Education review and approval; however, the COOP shall be considered a confidential document not subject to release under State public records laws and accordingly no copies shall be provided for public review during the adoption process.

The Chief Administrative Officer shall conduct an annual review of the COOP.

Adopted 5/12/20

INFORMATION SECURITY

The District collects, classifies, and retains data/information from and about students, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about and related to the business of the District. This information may be in hard copy or digital format, and may be stored in the District or offsite with a third party provider.

Data/information collected by the District shall be classified as Confidential, Controlled, or Published. Data/information will be considered Controlled until identified otherwise.

Protecting District Information Resources (as defined in Bylaw 0100) is of paramount importance. Information security requires everyone's active participation to keep the District's data/information secure. This includes Board of Education members, contractors, students, parents, contractors/vendors, and visitors who use District Technology Resources (as defined in Bylaw 0100) and Information Resources.

Individuals who are granted access to data/information collected and retained by the District must follow established procedures so that the information is protected and preserved. Board members, administrators, and all District contractors, vendors, and their contractors, granted access to data/information retained by the District are required to certify annually that they shall comply with the established information security protocols pertaining to District data/information. Further, all individuals granted access to Confidential Data/Information retained by the District must certify annually that they will comply with the information security protocols pertaining to Confidential Data/Information. Completing the appropriate section of the District Technology Acceptable Use and Safety form shall provide this certification.

All Board members, contractors, vendors, and visitors who have access to Board-owned or managed data/information must maintain the security of that data/information and the District Technology Resources on which it is stored.

If an individual has any questions concerning whether this Policy and/or its related administrative guidelines apply to him/her or how they apply to him/her, the individual should contact the District's Technology Director or Information Technology Department/Office.

The Chief Administrative Officer shall develop administrative guidelines that set forth the internal controls necessary to provide for the collection, classification, retention, access, and security of District Data/Information.

Further, the Chief Administrative Officer is authorized to develop procedures that would be implemented in the event of an unauthorized release or breach of data/information. These procedures shall comply with the District's legal requirements if such a breach of personally-identifiable information occurs.

The Chief Administrative Officer shall require the participation of contractors in appropriate training related to the internal controls pertaining to the data/information that they collect, to which they have access, and for which they would be responsible for the security protocols.

Third-party contractors/vendors who require access to Confidential Data/Information collected and retained by the District will be informed of relevant Board policies that govern access to and use of Information Resources, including the duty to safeguard the confidentiality of such data/information.

Failure to adhere to this Policy and its related administrative guidelines may put data/information collected and retain by the District at risk. Contractors who violate this policy and/or the administrative guidelines promulgated consistent with this policy may have disciplinary consequences imposed, up to and including termination of employment, and/or referral to law enforcement. Students who violate this Policy and/or AGs will be subject to disciplinary action, up to and including expulsion, and/or referral to law enforcement. Contractors/vendors who violate this Policy and/or AGs may face termination of their business relationships with and/or legal action by the District. Parents and visitors who violate this Policy and/or AGs may be denied access to the District's Technology Resources.

The Chief Administrative Officer conduct a periodic assessment of risk related to the access to and security of the data/information collected and retained by the District.

Adopted 5/12/20

PUBLIC RECORDS

Reference: MCL 15.231 et seq.
MCL 445.81 et seq.
Michigan Federation of Teachers v. University of Michigan, 481 Mich. 657 (2008)

The Board of Education recognizes its responsibility to maintain the public records of this District and to make such records available to residents of Michigan for inspection and reproduction.

The public records of this District include any writing or other means of recording or retaining meaningful content prepared, owned, used, in the possession of, or retained by the District, its Board, officers, or contractors, subject to certain exemptions according to the Michigan Freedom of Information Act (FOIA).

Any person may make a written request for any public records of the District. The person may inspect, copy, or receive copies of the public record requested. The District shall respond to such requests within five (5) working days after receipt unless otherwise agreed to in accordance with the Freedom of Information Act.

An individual may purchase copies of the District's public records upon payment of a fee. No original public record may be removed from the office in which it is maintained except by a Board officer or contractor in the course of the performance of his/her duties. Neither the Board nor its contractor shall permit the release of the social security number of a contractor, student, or other individual except as authorized by law (see Policy 8350 and AG 8350).

The Board chooses not to provide for enhanced access to any of its public records.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this District, except student records and certain portions of personnel records.

The Chief Administrative Officer is authorized to dispose of correspondence on a daily basis including those transmitted by means of voice mail or E-mail, providing the message does not alter existing District records.

The Chief Administrative Officer shall establish administrative guidelines to ensure proper compliance with the intent of this policy and the Freedom of Information Act.

Adopted 5/12/20

INFORMATION MANAGEMENT

Reference: Federal Rules of Civil Procedure 34, 37(f)

The Board of Education recognizes its responsibility, in certain circumstances, to maintain information created, maintained or otherwise stored by the District outside the "Records Retention Schedule". In such situations, a "Litigation Hold" procedure will be utilized to identify and preserve information relevant to a specific matter. The Chief Administrative Officer shall notify the District Board and its counsel of any "Litigation Hold". "Information" includes both paper documents and electronically stored information ("ESI"). When implementing the "Litigation Hold," the District will identify individuals in possession or custody of paper documents, ESI and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the "Records Retention Schedule". The District will also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a "Litigation Hold," which is under the control of the District, must be preserved in a readily accessible form and cannot be disposed of under the "Records Retention and Disposal" requirements. Failure to comply with a Litigation Hold notice may result in disciplinary action, up to and including possible termination.

Instances where the Board must maintain information outside the "Records Retention Schedule" include:

- A. when the Board has specific information and/or written notice from an individual, parent or student of an intent to file an appeal of student discipline to State court;
- B. when the Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed in Federal or State court;
- C. when the Board is served with litigation, including, but not limited to, notice of a lawsuit in Federal or State court, or notice of a student disciplinary appeal to State court;
- D. when the Board receives specific information and/or written notification from a contractor, labor union, or other person of an intent to file a claim against the Board, its members, contractors or agents at an administrative agency such as the Equal Employment Opportunity Commission, Michigan Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, contractors or agents;
- E. when the Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Michigan Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, contractors or agents;

- F. when the Board receives written notification from a third party requesting that the Board maintain information that could be at issue in litigation or potential litigation against that third party;
- G. when the Chief Administrative Officer recommends the termination of a contractor to the Board pursuant to a labor contract;
- H. when the Board explores, contemplates or initiates litigation.

Definitions

"Documents" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.

"ESI" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. It includes, but is not limited to, e-mails, e-mail attachments, instant messages, word processing files, spreadsheets, pictures, application program and data files, databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, TIFF files, PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voice mails, phone logs, faxes, internet histories, caches, cookies or logs of activity on computer systems that may have been used to process or store electronic data.

"Electronic media" includes, but is not limited to, hard drives (including portable hard disk drives "HDD's"), floppy drives, disaster recovery media, and storage media (including DVD's, CD's, floppy discs, Zip discs/drives, Jazz discs/drives, USB memory drives, jump disc/drives, flash discs/drives, keychain discs/drives, thumb discs/drives, smart cards, micro-film, backup tapes, cassette tapes, cartridges, etc.), accessed, used and/or stored on/in/through the following locations: networks and servers; laptop and desktop work computers; home and personal computers; other computer systems; backup computers or servers; archives; personal digital assistants ("PDAs" – including Palm, Blackberry, cellular phone, tablet PC, etc.); pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media shall also include any item containing or maintaining ESI that is obtained by the District for Board member or contractor usage or that a contractor uses for such purpose (even if privately owned by the Board member or contractor) from the date this policy is adopted into the future.

Initiation and Removal of a "Litigation Hold"

The Board or the Chief Administrative Officer may initiate a "Litigation Hold" under this policy. If the Chief Administrative Officer initiates a "Litigation Hold," s/he or the Board's legal counsel will notify the Board of the reason the Litigation Hold was instituted and its scope. When implementing a Litigation Hold, the Board or Chief Administrative Officer may utilize an Electronically Stored Information Team ("ESI Team"). The Board's legal counsel shall be involved in implementation of the "Litigation Hold Procedure" outlined in AG 8315.

A "Litigation Hold" shall remain in place until removed by the Board after being so advised by the Chief Administrative Officer. A "Litigation Hold" may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated. Any information maintained under this policy shall fall back under the "Records Retention Schedule" once the "Litigation Hold" is removed.

The Chief Administrative Officer shall develop Administrative Procedures outlining the procedures to be followed by Board members and contractors when initiating and implementing a "Litigation Hold." This policy and its related Administrative Procedures shall be posted and distributed in the manner described in AG 8315.

Adopted 5/12/20

CONTRACTOR AND VENDOR FILES

The Chief Administrative Officer shall be responsible for establishing and maintaining appropriate contractual and vendor files.

Adopted 5/12/20

CRIMINAL JUSTICE INFORMATION SECURITY (NON-CRIMINAL JUSTICE AGENCY)

Reference: Criminal Justice Information Services - Security Policy (Version 5.2, 2013),
U.S. Dept. of Justice and Federal Bureau of Investigation
Noncriminal Justice Agency Compliance Audit Review, Michigan State
Police, Criminal Justice Information, Center, Audit and Training Section
Conducting Criminal Background Checks, Michigan State Police, Criminal Justice Information
Center

The District is required by State law to obtain both a State and a Federal Bureau of Investigation (FBI) criminal history record information (CHRI) background check report for all contractors of the District and vendors and their employees who work on a regular and continuous basis in the District. The District shall comply with all rules established by the Michigan State Police (MSP) and the FBI while processing, storing, and sharing CHRI.

Ref: Criminal Justice Information Services - Security Policy (Version 5.5, 2016),
U.S. Dept. of Justice and Federal Bureau of Investigation
Noncriminal Justice Agency Compliance Audit Review, Michigan State
Police, Criminal Justice Information Center, Audit and Training Section
Conducting Criminal Background Checks, Michigan State Police, Criminal
Justice Information Center

Adopted 5/12/20

RECEIPT OF LEGAL DOCUMENTS

Service of Process on the Board of Education

In suits against the Board, only the Board President or Chief Administrator accepts service on behalf of the Board.

Service of Legal Documents on Board Contractors

Board contractors may be served with legal documents (1) requesting not only public records (such as contractors' personnel files), but also student education records and other documents and electronically stored information maintained by the District, or (2) directing them to testify at a deposition or hearing concerning issues that fall within the contractors' employment responsibilities.

A contractor served with legal documents in his/her official capacity as a Board contractor shall immediately provide copies of those legal documents to the Chief Administrator and the Board Attorney.

Generally, confidential personnel records, student records, or personal observations or opinions about student behavior/academic performance do not have to be disclosed. The law makes an exception for a subpoena or court order.

Board policy requires the Chief Administrator to release only the documents specifically identified in the subpoena or order. In circumstances where, in responding to a subpoena or order, information is developed or summarized from the student's education records, a copy of that information and a statement of the purpose for which it was prepared shall be filed in the student's cumulative folder.

If doing so it is in the Boards best interest, the Chief Administrator or Board attorney shall accompany the contractor to the deposition or hearing.

Actions Against the Board

In actions against the Board, it is not unusual for Board contractor to be served with subpoenas and/or called as witnesses. Board legal counsel and the Chief Administrator will assist Board contractor in these matters.

Independent Legal Counsel

This policy does not prohibit Board contractor from consulting with their own independent legal counsel, but they are prohibited from discussing or releasing student personally identifiable information to a third party except as expressly authorized by Board Policy (Policy 8330).

Adopted 5/12/20

STUDENT RECORDS

Reference: MCL 380.1135
Letter, April 6, 2004 Jeremy Hughes, Deputy Supt. Department of Education
34 CFR Part 99, 2002
Section 444 of subpart of part C of the General Education Provisions Act
Title IV of Public Law 90-247
20 USC, Section 1232f through 1232i (FERPA)
20 USC 1400 et seq., Individuals with Disabilities Education Improvement Act
20 USC 7165(b)
26 USC 152
20 USC 7908

In order to provide appropriate educational services and programming, the Board of Education must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student's privacy and restrict access to student's personally identifiable information.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or other information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relate.

The Board hereby authorizes collection of the following student records, in addition to the membership record required by law:

- A. observations and ratings of individual students by professional staff members acting within their sphere of competency
- B. samples of student work
- C. information obtained from professionally acceptable standard instruments of measurement such as:
 - 1. interest inventories and aptitude tests
 - 2. vocational preference inventories
 - 3. achievement tests
 - 4. standardized intelligence tests
 - 5. immunization,
 - 6. immigration.
- D. verified reports of serious or recurrent behavior patterns

- E. rank in class and academic honors earned
- F. psychological tests
- G. attendance records
- H. health records
- I. custodial arrangements

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, and designated District officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law. The term “parents” includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term “eligible student” refers to a student who is eighteen (18) years of age or older or a student of any age who is enrolled in a postsecondary institution.

In situations in which a student has both a custodial and a noncustodial parent, both shall have access to the student’s educational records unless stipulated otherwise by court order. In the case of eligible students, parents will be allowed access to the records without the student’s consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

A District official is a person contracted by the Board as an administrator, supervisor, and a person serving on the Board. The Board further designates the following individuals as entities as “District officials” for the purpose of FERPA:

- A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant);
- B. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by the Board contractors (e.g. a therapist, authorized information technology (IT), and approved online Educational Service Providers).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its contractors, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 CFR 99.33(a) governing the use and re-disclosure of PII from education records.

“Legitimate educational interest” shall be defined as a “direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District” or if the record is necessary in order for the District official to perform an administrative, supervisory or instructional task or to perform a service or benefit for the student or the student’s family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that District officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes the administration to:

- A. forward student records, including any suspension and expulsion action against the student, on request to a school or school district in which a student of this District seeks or intends to enroll.
- B. provide “personally-identifiable” information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- C. report a crime committed by a child with or without a disability to appropriate authorities and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student’s special education records and disciplinary records including any suspension and expulsion action against the student to the authorities and District officials for their consideration;
- D. release de-identified records and information in accordance with Federal regulations;
- E. disclose personally identifiable information from education records, without consent, to organizations conducting studies “for, or on behalf of” the District for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instructions;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member’s social security number(s); religion; political party affiliation; voting history; or biometric information.

This written agreement must include:

- 1. specification of the purpose, scope, duration of the study, and the information to be disclosed;
- 2. a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study;
- 3. a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization
- 4. a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identifiable information be used whenever possible. This reduces the risk of unauthorized disclosure.

- G. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities. The disclosed records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)

The District will verify that the authorized representative complies with FERPA regulations.

- H. request each person or party requesting access to a student's record to abide by the Federal regulations concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (*if required*).

Upon written request by a student's parent or legal guardian, the District shall disclose to the parent or legal guardian any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records.

If the District provides any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records to any person, agency, or organization, then the District shall disclose to the student's parent or legal guardian upon his or her written request:

- A. The specific information that was disclosed.
- B. The name and contact information of each person, agency, or organization to which the information has been disclosed.
- C. The legitimate reason that the person, agency, or organization had in obtaining the information.

This information shall be provided without charge within 30 days after the District receives the written request and without charge to the parent or legal guardian.

The District is not required to disclose to the parent or legal guardian, even upon written request, any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records and is provided to any person, agency, or organization in any of the following situations:

- A. Provision of such information to the Michigan Department of Education or CEPI.
- B. Provision of such information to the student's parent or legal guardian.
- C. Provision of such information to its authorizing body or to an educational management organization with which it has a management agreement.
- D. Provision of such information to or from its intermediate school board or to another intermediate school board providing services to the District or its students pursuant to a written agreement.
- E. Provision of such information to a person, agency, or organization with written consent from the student's parent or legal guardian or, if the student is at least age 18, the student.
- F. Provision of such information to a person, agency, or organization seeking or receiving records in accordance with an order, subpoena, or ex parte order issued by a court of competent jurisdiction.
- G. Provision of such information as necessary for standardized testing that measures the student's academic progress and achievement.
- H. Provision of such information that is covered by the opt-out form described above, unless the student's parent or legal guardian or, if the student is at least age 18 or is an emancipated minor, the student has signed and submitted the opt-out form referenced below.

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Board policy and Administrative Procedures and/or those specified in the law.

The Board shall exempt from disclosure directory information, as requested for the purpose of surveys, marketing, or solicitation, unless the Board determines that the use is consistent with the educational mission of the Board and beneficial to the affected students. The Board may take steps to ensure that directory information disclosed shall not be used, rented, or sold for the purpose of surveys, marking, or solicitations. Before disclosing the directory information, the Board may require the requester to execute an affidavit stating that directory information provided shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

Adopted 5/12/20

LETTERS OF REFERENCE

Reference: MCL 423.452, 380.1230(b)
Section 8546 of the Every Student Succeeds Act (ESSA)

The Board of Education recognizes any current or former contractors request to an administrator for a letter of reference is an opportunity to share information about the contractors' performance with a prospective employer. The Board, however, does not require such references to be provided. A current or former contractor should not expect a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the Chief Administrative Officer.

However, if an administrator decides to prepare such a letter, the Board expects that administrator to provide specific and truthful comments concerning the contractors' actual performance, which can be substantiated by the individual's personnel file. The letter must be reviewed by the Chief Administrative Officer before it may be released.

In accordance with State law, an administrator who provides such a letter of reference is entitled to at least a qualified privilege for statements made in the letter, provided such statements were made in good faith, without malice.

All District contractors', including but not limited to an administrator who prepares a letter of reference or provides an employment reference pursuant to this policy, are prohibited from assisting a District contractor or agent in obtaining a new job if s/he knows or has reasonable cause to believe that such District contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. "Assisting" does not include the routine transmission of administrative and personnel files. The only exceptions permitted are those authorized by the Every Student Succeeds Act, such as where the matter has been investigated by law enforcement and the matter was officially closed due to lack of probable cause or where the individual was acquitted or otherwise exonerated of the alleged misconduct.

This policy does not excuse the District from providing responses to requests for information about unprofessional conduct, as required by State law.

Adopted 5/12/20

BREACH OF CONFIDENTIAL INFORMATION

Reference: MCL 445.61 et. seq.

It is the policy of the Board of Education that when unauthorized access or acquisition of data occurs, which would compromise the confidentiality or security of personal information maintained by the District, the District will take appropriate action to assess the risk and notify the affected individuals.

A “breach” means the unauthorized access and acquisition of data that compromises the security or confidentiality of personal information maintained by the District. Unauthorized access may be considered incidental access by a contractor or other individual if the access meets all of the following:

- A. The individual acted in good faith in accessing the data;
- B. The access was related to the activities of the agency or person
- C. The individual did not misuse any personal information or disclose any personal information to an unauthorized person.

Personal information for purposes of this policy means the person’s last name with either the first name or initial when linked to one of more of the following:

- A. Social security number
- B. Driver’s license
- C. Demand deposit or other financial account numbers (including credit/debit card numbers, when combined with access code, security code or password which would allow access to the financial accounts)

Upon determining that a breach has occurred, the individual shall notify the Chief Administrative Officer in writing. The Chief Administrative Officer shall promptly determine and implement the steps necessary to correct the unauthorized access and notify those individuals whose personal information may have been compromised.

Individuals who intentionally violate this policy shall be reported to the appropriate law enforcement agency and may be subject to criminal penalties.

Adopted 5/12/20

CRISIS INTERVENTION

The Board of Education believes the Districts contractors and visitors are entitled to function in a safe environment. In this regard, the Board has adopted policies that relate to conduct in the District setting and address various crisis situations.

The Chief Administrative Officer shall develop Administrative Procedures for responding to a crisis situation, developing a prevention plan, and providing effective intervention for individuals who may show signs warning of potentially violent or other troubling behaviors.

Adopted 5/12/20

PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD

Reference: MCL 324.8316, 380.1256
15 USC 2601
20 USC 4022
20 USC 4014
20 USC 4011
20 USC 4011 et. seq.
Asbestos Hazard Emergency Response Act of 1986 (AHERA)
Asbestos School Hazard Abatement Act of 1984
Asbestos School Hazard Abatement Reauthorization Act of 1990

The Board of Education is concerned for the safety of the students and contractors and will comply with all Federal and State statutes and regulations concerning hazards resulting from industrial accidents beyond the control of District officials and/or from the presence of asbestos materials used in previous construction.

Toxic Hazards

These hazards exist in chemicals, pesticides, and other substances used in the District settings such as laboratories, science classrooms, and kitchens. Such toxins are also found in the cleaning supplies for the District's rooms and equipment. The Chief Administrative Officer will appoint a contractor to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will be responsible for the following:

A. *Hazard Determination*

Identifying potential sources of toxic hazards, in cooperation with material suppliers, who shall supply the Toxic Hazard Preparedness Officer with Material Safety Data Sheets (MSDSs). The Chief Administrative Officer will rely on MSDSs from material suppliers to meet hazard determination requirements.

Asbestos

In its efforts to comply with Asbestos Hazard Emergency Response Act (AHERA) and the Michigan Occupational Safety and Health Act (MIOSHA), the Board recognized its responsibility to:

- A. inspect the building for the existence of asbestos or materials containing asbestos;
- B. take appropriate actions, in accordance with State Law and EPA regulations, based on the inspections;
- C. establish a program for dealing with friable asbestos, if found;
- D. maintain a program of periodic surveillance and inspection of facilities or equipment containing asbestos;

- E. comply with EPA regulations governing the transportation and disposal of asbestos and materials containing asbestos.

The Chief Administrative Officer shall appoint a person to develop and implement the District's Asbestos-Management Program to ensure proper compliance with Federal and State laws and appropriate instruction of contractors and students. Upon completion the District's Asbestos Plan must be submitted to the Michigan Department of Consumer and Industry Services, Occupational Health Division, Lansing, Michigan 48909.

When conducting asbestos abatement projects, the Chief Administrative Officer shall also ensure each contractor is licensed, pursuant to the Michigan Department of Health Regulations.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that may be a consequence of an accident, an equipment failure, a negligent act, or a deliberate act beyond the control of the Board or its officers and contractors.

Adopted 5/12/20

CONTROL OF BLOOD-BORNE PATHOGENS

Reference: 29 CRF 1910.1030

The Board of Education directs the Chief Administrative Officer to protect contractors who may be exposed to blood-borne pathogens and other potentially infectious materials in their performance of assigned duties.

The Chief Administrative Officer shall implement Administrative Procedures that will do the following:

- A. identify those categories of contractors whose duties create a reasonable anticipation of exposure to blood and other infectious materials;
- B. provide for inoculation of the Hepatitis B vaccine at no cost to the contractor and in accordance with Federally-mandated scheduling;
- C. ensure proper training in the universal precautions against exposure and/or contamination including the provision of appropriate protective supplies and equipment;
- D. establish appropriate procedures for reporting, evaluating, and following-up any and all incidents of exposure;
- E. provide for record-keeping of all of the above that complies with both Federal and State laws;
- F. develop an exposure control plan.

Adopted 5/12/20

INSURANCE

Reference: MCL 129.51, 380.124, 380.1269, 380.1332

The Board of Education shall purchase with District funds the type and amount of insurance necessary to protect the District from major financial losses.

Insurance purchased shall include, but need not be limited to, the following:

- A. negligent acts or omissions that cause personal injury or wrongful death;
- B. fire and extended coverage on buildings and contents;
- C. comprehensive bodily injury, property damage on automobiles, buses, and trucks;
- D. boiler and machinery;
- E. special coverage for equipment not ordinarily covered under a standard policy;
- F. employee insurance coverage as specified or by Board action;
- G. worker's compensation coverage;
- H. legal liability for Board members and contractors.

Insurance for a given coverage shall be obtained at the lowest possible cost, assuming service and company reliability are satisfactory. The Chief Administrative Officer shall administer the insurance program.

Adopted 5/12/20

BONDING

Reference: MCL 380.85, 380.124, 380.243, 380.317

The Board of Education recognizes that prudent trusteeship of the resources of this District dictates that Board contractor be bonded, if they are responsible for the safekeeping of District monies.

The District shall be indemnified against loss of money by bonding Board contractors who hold the responsible positions. The amounts of the bonds shall be determined by the Board, in accordance with State law.

The Board shall bear the cost of bonding each contractor required to be bonded by this policy.

Adopted 5/12/20

ANTI-FRAUD

This policy is implemented to advise District personnel about activities, which may be fraudulent, illegal or otherwise unethical. The Board will not tolerate such activities and disciplinary measures will be implemented as appropriate.

Scope

This policy applies to any fraud, or suspected fraud, involving District contractors as well as consultants, vendors, outside agencies doing business with employees of such agencies, and any other parties with a business relationship with the District.

Policy

Fraud and fraudulent activity is strictly prohibited.

District personnel shall be responsible for reporting any observed or suspected fraud or fraudulent activity to the Chief Administrative Officer or Board President.

All administrators shall be vigilant for any conduct that may appear to constitute fraud within the areas of their responsibility.

All reporting and investigation shall be done in accordance with the District's guidelines on this subject.

Fraud – Definitions

Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon his/her injury.

The following are examples of prohibited acts:

- A. Falsification of any record with the intent to conceal information to the District's detriment or the individual's advantage, particularly financial records;
- B. Forgery of a check, bank draft, wire transfer or any other financial document;
- C. Unauthorized alteration of a financial document or account belonging to the District;
- D. Misappropriation of funds, supplies or other assets of the District;
- E. Impropriety in the handling or reporting of money or financial transactions;
- F. Disclosing confidential and proprietary information to outside parties for personal gain (either directly or indirectly);
- G. Asking for or accepting anything of material value from contractors, vendors or persons providing services or materials to the District, except as provided in gift policies;

- H. Unauthorized destruction, removal, or use of records, furniture, fixtures and/or equipment for personal gain (either directly or indirectly);
- I. Misuse of State or Federal funds for other than their designated purposes.

This list is meant to illustrate the types of activities that are prohibited. It is not comprehensive. Other misconduct of a similar nature is similarly prohibited.

Confidentiality

The District will maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and its obligations under the Freedom of Information Act. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the Chief Administrative Officer or his/her designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other District personnel or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated allegations which are not privileged could harm an innocent individual's reputation and result in potential civil liability.

Non-Retaliation

Those who, in good faith, report suspected fraudulent activity will not be subject to any retaliation as a result of bringing the suspected misconduct forward.

Adopted 5/12/20

9000 RELATIONS

- 9900 Charter Schools
- 9901 Public School Academy Term of Contract
- 9902 Public School Academy Board of Directors: Method of Selection,
Appointment, and Removal
- 9903 Public School Academy State Aid Intercept Agreement
- 9904 Educational Service Provider Policies

Adopted 5/12/20

CHARTER SCHOOLS

The following chartering policies are adopted.

- A. Recognizing that public school academy board members are public officials and have primary responsibility for the academy's governance and operation, an academy's board of directors shall have not less than five nor more than nine members.
- B. To ensure public school academies are open and accessible to all interested parties, each academy must legally notice and reasonably inform the public of its application period and enrollment procedures.
- C. Believing competitive comparisons and benchmarking information are necessary for raising standards and driving continuous improvement, the charter schools office shall ensure that each public school academy contract contains clear, measurable performance standards.
- D. To assess the academic performance of public school academies, the Office of Education and Compliance shall institute an educational monitoring system that, among other things, requires public school academies to annually administer a standardized assessment instrument measuring student achievement.
- E. To assess the organizational viability of public school academies, the Office of Education and Compliance shall institute a financial monitoring system that, among other things, requires public school academies to submit an annual budget, quarterly financial statements, and an annual independent financial audit.
- F. To effectively perform the Board of Education's oversight responsibilities, The School District of the City of Highland Park shall retain an administrative fee of three percent (3%) of the total state aid, which will be determined annually by the Office of Education and Compliance within 30 days after the approval of the State School Aid Act.
- G. Striving to make the renewal process for public school academies straightforward, the Office of Education and Compliance shall institute a charter renewal process, guided by the following core questions:
 1. Is the public school academy's academic program successful?
 2. Is the public school academy's organization viable?
 3. Is the public school academy demonstrating good faith in following the terms of its charter and applicable law?

The Board of Education or the Board of Education's designee is authorized to develop and implement additional policies necessary for administering the Board of Education's charter schools program.

Adopted 5/12/20

PUBLIC SCHOOL ACADEMY TERM OF CONTRACT

The following public school academy term of contract policy is adopted:

Recognizing that the term of a public school academy's contract is a major determinant in its ability to secure long-term facilities financing, the School District of The City of Highland Park Board of Education may issue charter contracts with unlimited terms. Further, the charter contract must provide that the School District of The City of Highland Park Board of Education or the public school academy board may terminate the charter contract without cause by providing ten months' notice before the effective termination date.

Adopted 5/12/20

PUBLIC SCHOOL ACADEMY BOARD OF DIRECTORS: METHOD OF SELECTION, APPOINTMENT, AND REMOVAL

The School District of The City of Highland Park Board of Education declares that the method of selection, length of term, and number of board members shall be as follows.

Method of Selection and Appointment

The School District of The City of Highland Park Board of Education ("Board of Education") shall prescribe the method of appointment for members of an academy's board of directors. The Chief Administrative Officer is authorized to develop and administer an academy board selection and appointment process that includes an Application for Public School Academy Board Appointment and is in accord with these policies:

- A. The Board of Education shall appoint the initial and subsequent academy board of directors by resolution, except as prescribed by subparagraph d. The Chief Administrative Officer shall recommend qualified individuals to the Board of Education.
- B. The academy board of directors, by resolution and majority vote, shall nominate its subsequent members, except as provided otherwise. The academy board of directors shall recommend to the Chief Administrative Officer at least one nominee for each vacancy. Nominees shall submit the Application for Public School Academy Board Appointment for review by the Office of Education and Compliance. The Chief Administrative Officer may or may not recommend the appointment of a nominee submitted by the academy board. If the Chief Administrative Officer does not recommend the appointment of a nominee submitted by the academy board, he/she may select and recommend another nominee or may request the academy board submit a new nominee for consideration.
- C. An individual appointed to fill a vacancy created other than by the expiration of a term shall be appointed for the unexpired term of that vacant position.
- D. Under exigent conditions, and with the approval of the Board of Education's chair and the president, the Chief Administrative Officer may appoint a qualified individual to an academy's board of directors. All appointments made under this provision must be presented to the Board of Education for final determination at its next regularly scheduled meeting. The Board of Education reserves the right to review, rescind, modify, ratify, or approve any appointments made under this provision.

Length of Term

The director of an academy board shall serve at the pleasure of the Board of Education. Terms of the initial positions of the academy board of directors which shall be staggered in accordance with The Academy Board of Directors Table of Staggered Terms and Appointments established and administered by the Chief Administrative Officer. Subsequent appointments shall be for a term of office not to exceed of four (4) years, except as prescribed by The Academy Board of Directors Table of Staggered Terms and Appointments.

Removal and Suspension

If the Board of Education determines that an academy board member's service in office is no longer necessary, then the Board of Education may remove an academy board member with or without cause and shall specify the date when the academy board member's service ends. An academy board member may also be removed from office by a two-thirds (2/3) vote of the academy's board for cause.

With the approval of the Board of Education's chair and the Chief Administrative Officer, the Chief Administrative Officer may suspend an academy board member's service, if in his/her judgment the person's continued presence would constitute a risk to persons or property, or would seriously impair the operation of the academy. Any suspension made under this provision must be presented to the Board of Education for final determination at its next regularly scheduled meeting. The Board of Education reserves the right to review, rescind, modify, ratify, or approve any suspensions made under this provision.

Number of Directors

The number of members of the academy board of directors shall not be less than five (5) nor more than nine (9). If the academy board of directors fails to maintain its full membership by making appropriate and timely nominations, the Board of Education or its designee may deem that failure an exigent condition.

Qualifications of Academy Board Members

To be qualified to serve on an academy's board of directors, a person shall, among other things: (a) be a citizen of the United States; (b) be a resident of the state of Michigan; (c) submit all materials requested by the charter schools office including, but not limited to, the Application for Public School Academy Board Appointment which must include authorization to process a criminal background check; and (d) annually submit a conflict of interest disclosure as prescribed by the charter schools office.

The members of an academy board of directors shall not include: (a) employees of the academy; (b) any director, officer, or employee of a service provider or management company that contracts with the academy; (c) an official or employee of the District, as a representative of the School District of the City of Highland Park.

Oath of Public Office

All members of the academy board of directors must take the constitutional oath of office and sign the Oath of Public Office before beginning their service. No appointment shall be effective prior to the filing of The Oath of Public Office shall be filed with the charter schools office.

Note: These provisions shall be implemented with new charter contracts and shall be phased in as existing charter contracts are reissued or amended. The charter schools office is authorized to negotiate changes in the terms and conditions of charter contracts to fully implement these provisions.

Adopted 5/12/20

PUBLIC SCHOOL ACADEMY STATE AID INTERCEPT AGREEMENTS

The Chief Administrative Officer is authorized to execute documents on behalf of the School District of the City of Highland Park in connection with borrowings by public school academies authorized by Highland Park, so long as:

- A. The commitments made by the district are limited to agreeing to direct state aid payments according to the terms of agreements reached by the academy and its financing bodies;
- B. No commitments of district funds are made;
- C. In the opinion of legal counsel, the documents protect the district to the maximum reasonable extent from liability for the borrowings undertaken by the public school academy.

Adopted 5/12/20

EDUCATIONAL SERVICE PROVIDER POLICIES

Pursuant to the Charter Contract (“Contract”) issued by the School District of the City of Highland Park (“Board of Education”), these Policies for Public School Academy Agreements with Educational Service Providers (“Policies”) have been prepared by The Office of Education and Compliance. They now become part of the Contract and apply to all schools issued a Contract by the Board of Education, and to any existing school that enters into, or amends, an ESP Agreement with an Educational Service Provider (“ESP”) on or after the date set forth below. Failure by the Academy Board to comply with these Policies may result in the non-issuance of a Contract, or the initiation of revocation proceedings under the Contract.

Adopted 5/12/20

The Revised School Code (“Code”) requires that a public school academy authorizer must review and may disapprove any ESP Agreement before it is executed and if the ESP Agreement is contrary to the Contract and applicable law. These Policies are to be incorporated into all ESP Agreements entered into by a public school academy (“Academy”) authorized by the Board of Education.

A. Academy Board Due Diligence

1. Prior to approving an ESP Agreement, the Academy Board of Directors (“Academy Board”) must perform sufficient due diligence to establish that the ESP has the appropriate financial resources, educational services and managerial experience to provide the contracted services. Prior to contracting with an ESP, the Academy Board must obtain sufficient information to conclude that the ESP Agreement, on the terms to be approved, is in the best financial and educational interest of the Academy. At a minimum, and prior to the execution of an ESP Agreement, the Academy Board shall provide the following information to the Office of Education and Compliance:
 - a. List of all ESP owner(s), directors and officers.
 - b. Type or form of entity (for-profit corporation, non-profit corporation, limited liability company, etc.).
 - c. Name of ESP’s primary banking institution.
 - d. Legal counsel for the ESP: Name, address and telephone number of firm and contact person.
 - e. Accounting or auditing firm for the ESP: Name, address and telephone number of firm and contact person.
 - f. A written statement regarding the ESP’s experience in providing services and the types of service(s) to be provided to the Academy.
2. The Academy Board must perform sufficient due diligence on whether any principal or officer of the ESP, or the ESP (including any related organizations or organizations in which a principal or officer of the ESP served as a principal or officer) as a corporate entity, has filed for bankruptcy protection within the five (5) years prior to execution of an ESP Agreement.
3. Academy Board members, employees and their respective spouses or immediate family members³ shall not have any direct or indirect ownership, employment, contractual or management interest in any ESP that contracts with the Academy.
4. The Academy Board must perform sufficient due diligence to ensure an ESP Agreement that provides employees to the Academy qualifies as employee leasing.

5. The Academy Board shall retain independent legal counsel to review and negotiate the ESP Agreement. Legal counsel for the Academy must not represent the ESP or principals thereof. The ESP Agreement must be an arm's-length, negotiated agreement between an informed Academy Board and the ESP.
6. Any proposed ESP Agreement shall be submitted to the Office of Education and Compliance in a form or manner as prescribed by the Office of Education and Compliance and not later than thirty (30) days prior to the proposed date of execution. Earlier submission is strongly encouraged and may accelerate the review process. The ESP Agreement shall include a completed ESP Information Sheet (see Exhibit B). In addition, the Academy Board shall submit a draft legal opinion (see Exhibit A) from the Academy Board's legal counsel, opining to the District that the Academy Board has fulfilled its obligations described in the Policies. Unless the Office of Education and Compliance Director extends the review period within thirty (30) days of receiving the proposed ESP agreement, the Office of Education and Compliance shall notify the Academy if the agreement is disapproved. The Office of Education and Compliance reserves the right to disapprove an ESP Agreement if the Academy Board submits an ESP Agreement that does not comply with the Contract, Applicable Law and District Policies. By not disapproving an ESP Agreement, the Office of Education and Compliance is in no way giving approval of the ESP, the fee arrangement between the Academy and the ESP or any other provisions contained in the ESP Agreement.
7. The Academy Board shall not approve an ESP Agreement until all Academy Board members have been given the opportunity to review the proposed ESP Agreement with the Academy's legal counsel.
8. The Academy Board shall approve the final ESP Agreement with a formal vote at a public board meeting. Prior to Academy Board's vote on the ESP Agreement, the Academy Board shall provide an opportunity for public comment on the proposed ESP Agreement. A sample resolution is available on the Office of Education and Compliance's website.

B. Academy Board Administrative and Fiduciary Responsibilities

1. In negotiating the ESP Agreement, the Academy Board shall budget adequate resources to fulfill its Contract requirements, which may include, but are not limited to: oversight of the ESP Agreement, negotiation and fulfillment of the Contract and any amendments, Academy Board personnel expenditures, Academy insurance, annual financial audit, the Academy Board's legal counsel, consultants and any other such cost necessary for Academy Board operations.
2. The Academy Board shall be responsible for determining the budget reserve included in the Academy's annual budget and any budget amendments. In addition, the Academy Board is responsible for implementing fiscal policies that will assist the Academy in attaining the stated budget reserve amount(s).

3. Pursuant to the Uniform Budget and Accounting Act, MCL 141.422b, the Academy Board is responsible for designating the Chief Administrative Officer of the Academy. If the Academy employs a superintendent or a person having general administrative control, then the Academy Board may designate that employee as the Chief Administrative Officer of the Academy. If the Academy does not employ a superintendent or a person having general administrative control, then the Academy Board shall designate an Academy Board member as the Chief Administrative Officer of the Academy. No ESP or ESP owner, officer, director or employee shall be designated as the Chief Administrative Officer of the Academy, but an ESP employee may assist the Chief Administrative Officer in carrying out their responsibilities.

C. ESP Agreement Provisions

1. No provision of the ESP Agreement shall interfere with the Academy Board's constitutional duty to exercise its statutory, contractual and fiduciary responsibilities governing the operation of the Academy. No provision of the ESP Agreement shall prohibit the Academy Board from acting as an independent, self-governing public body, or allow public decisions to be made other than in compliance with the Open Meetings Act.
2. No provision of the ESP Agreement shall restrict the Academy Board from waiving its governmental immunity or require the Academy Board to assert, waive or not waive its governmental immunity.
3. No provision of the ESP Agreement shall alter the Academy Board treasurer's legal obligation to direct that the deposit of all funds received by the Academy be placed in the Academy's depository account as required by law. The signatories on the Academy Board accounts shall solely be Academy Board members or properly designated Academy Board employee(s). Interest income earned on Academy accounts shall accrue to the Academy.
4. If the ESP Agreement includes financial reporting services provided by the ESP, then the ESP Agreement shall require the ESP to provide the Academy Board monthly financial statements that (at a minimum) include: a balance sheet, an object-level detailed statement of revenues, expenditures and changes in fund balance that includes a comparison of budget-to-actual information and an explanation of variances.
5. ESP Agreements shall contain at least one of the following methods for paying fees or expenses: (i) the Academy Board may either pay or reimburse the ESP for approved fees or expenses upon properly presented documentation and approval by the Academy Board; or (ii) the Academy Board may advance funds to the ESP for the fees or expenses associated with the Academy's operation provided that documentation for the fees and expenses are provided for Academy Board ratification at its next regularly scheduled meeting.
6. ESP Agreements shall clearly state which services the ESP will be providing that are included in the management fee paid by the Academy.

All additional services that are to be provided by the ESP that are not included in the management fee and are to be reimbursed by the Academy shall be clearly stated in the ESP Agreement. Any services to be provided by the ESP that are included in the management fee but are performed by a subcontractor shall not be charged to, reimbursed by, or passed through as an additional cost to the Academy. No corporate costs of the ESP shall be charged to, or reimbursed by, the Academy.

7. ESP Agreements shall provide that the financial, educational and student records pertaining to the Academy are Academy property, and that such records are subject to the provisions of the Michigan Freedom of Information Act. All Academy records shall be physically or electronically available, upon request, at the Academy's physical facilities. Except as permitted under the Contract and Applicable Law, no ESP Agreement shall restrict the District's or the public's access to the Academy's records.
8. ESP Agreements shall contain a provision that all finance and other records of the ESP related to the Academy will be made available to the Academy, the Academy's independent auditor and the Office of Education and Compliance upon request.
9. ESP Agreements shall not permit the ESP to select and retain an independent auditor for the Academy.
10. If the ESP purchases equipment, materials and supplies on behalf of or as the agent of the Academy, the ESP Agreement shall provide that such equipment, materials and supplies shall be and remain the property of the Academy. The ESP shall comply with the Revised School Code (including, but not limited to, sections 1267 and 1274 of the Code, MCL 380.1267 and MCL 380.1274) as if the Academy were making these purchases directly from a third party supplier or vendor.
11. ESP Agreements shall contain a provision that if the ESP procures equipment, materials and supplies at the request of or on behalf of the Academy, the ESP shall not include any added fees or charges with the cost of equipment, materials and supplies purchased from third parties.
12. ESP Agreements shall contain a provision that clearly allocates the respective proprietary rights of the Academy Board and the ESP to curriculum or educational materials. At a minimum, ESP Agreements shall provide that the Academy owns all proprietary rights to curriculum or educational materials that (i) are both directly developed and paid for by the Academy; or (ii) were developed by the ESP at the direction of the Academy Board with Academy funds. ESP Agreements may also include a provision that restricts the Academy's proprietary rights over curriculum or educational materials previously developed or copyrighted by the ESP, or curriculum or educational materials that are developed by the ESP from funds from the Academy paid to the ESP as part of the ESP's fee for services. All ESP Agreements shall recognize that the ESP's educational materials and teaching techniques used by the Academy are subject to disclosure under the Revised School Code and the Freedom of Information Act.

13. ESP Agreements shall contain a provision that the ESP accepts full liability and is responsible for paying all salaries, benefits, payroll taxes, worker's compensation, unemployment compensation and liability insurance for its employees leased to the Academy or working on Academy operations irrespective of whether the ESP receives an advancement of its costs or the payment of services from the Academy.
14. ESP Agreements shall contain a provision addressing how the Academy and ESP will handle a data breach of personally identifiable information (PII) from Academy education records or other information not suitable for public release.
15. ESP Agreements shall contain a provision that the Academy designates the employees of the ESP as agents of the Academy having legitimate educational interest such that they are entitled to access to educational records under 20 U.S.C. Section 1232g, the Family Educational Rights and Privacy Act ("FERPA").
16. ESP Agreements shall contain the following language:
 - a. "Indemnification of the School District of the City of Highland Park. The parties acknowledge and agree that The School District of the City of Highland Park, its Board of Education, and its members, officers, employees, agents or representatives (collectively "Board of Education") are deemed to be third party beneficiaries for purposes of this Agreement. As third party beneficiaries, the [ESP] hereby promises to indemnify, defend and hold harmless the District from and against all demands, claims, actions, suits, causes of action, losses, judgments, liabilities, damages, fines, penalties, demands, forfeitures, or any other liabilities or losses of any kind whatsoever, including costs and expenses (not limited to reasonable attorney fees, expert and other professional fees), of settlement and prosecution imposed upon or incurred by the District, and not caused by the sole negligence of the District, which arise out of or are in any manner connected with the District Board's approval of the Academy's application, the District Board's consideration of or issuance of a Contract, the [ESP's] preparation for or operation of the Academy, or which are incurred as a result of the reliance by the District upon information supplied by the [ESP], or which arise out of the [ESP's] failure to comply with the Contract or applicable law. The parties expressly acknowledge and agree that the District may commence legal action against the [ESP] to enforce its rights as set forth in this section of the Agreement."
 - b. "Revocation or Termination of Contract. If the Academy's Contract issued by the School District of the City of Highland Park Board of Education is revoked, terminated or a new charter contract is not issued to the Academy after expiration of the Academy's Contract, this Agreement shall automatically terminate on the same date as the Academy's Contract is revoked, terminated or expires without further action of the parties."

- c. "Compliance with Academy's Contract. The [ESP] agrees to perform its duties and responsibilities under this ESP Agreement in a manner that is consistent with the Academy's obligations under the Academy's Contract issued by the School District of the City of Highland Park Board of Education. The provisions of the Academy's Contract shall supersede any competing or conflicting provisions contained in this ESP Agreement."
 - d. "Any action or inaction by [ESP] that is not cured within 60 days of notice thereof which causes the Contract to be revoked, terminated, suspended or which causes the Contract to be put in jeopardy of revocation, termination or suspension by the School District of the City of Highland Park is a material breach."
 - e. "On an annual basis, the [ESP] shall provide the Academy Board all of the same information that a school district is required to disclose under section 18(2) of the State School Aid Act, MCL 388.1618(2), for the most recent school fiscal year in which the information is available. Within thirty (30) days of receiving the information under section 18(2), the Academy Board shall make this information publicly available on its website, in a form and manner prescribed by the Michigan Department of Education."
 - f.. "Except as permitted under the Code, the [ESP] shall not sell or otherwise provide to a for-profit business entity any personally identifiable information that is part of an Academy student's education records. If the [ESP] receives information that is part of an Academy student's education records, the [ESP] shall not sell or otherwise provide the information to any other person except as permitted under the Code. For purposes of this section, the terms "education records" and "personally identifiable information" shall have the same meaning as those terms in section 1136 of the Code, MCL 380.1136."
- 17. ESP Agreements shall contain an insurance provision outlining the coverage the ESP is required to maintain. The insurance provision shall state that the ESP shall maintain such policies of insurance as required by the Contract. The ESP's insurance is separate from and in addition to the insurance the Academy Board is required to obtain under the Contract.
 - 18. Marketing and development costs paid by or charged to the Academy shall be limited to those costs specific to the Academy program and shall not include any costs for the marketing and development of the ESP.
 - 19. The maximum term of the ESP Agreement shall not exceed the length of the Contract.
 - 20. Any mediation or arbitration clause(s) contained within the ESP Agreement shall require a cause opinion (written explanation) as to the final decision. The Office of Education and Compliance shall be notified of

said decision and, upon the Office of Education and Compliance's request, the cause opinion shall be made available.

21. ESP Agreements shall not be assignable without prior notification to the Office of Education and Compliance. Any assignable party shall be considered an ESP, as defined by these ESP Policies. As such, any assignable party shall follow the requirements set forth in these ESP Policies.
22. ESP Agreements shall prohibit the ESP from executing contracts with its staff assigned to the Academy (including by way of example and not limitation, administrators, teachers, counselors and the like) that contain non-compete agreements of any nature.
23. Termination of the ESP Agreement mid-year is strongly discouraged. The Academy Board and ESP should make all efforts necessary to remedy a breach of the ESP Agreement in-order to continue school operations until completion of the then-current school fiscal year. If a breach cannot be remedied, the Academy Board and ESP agree to work cooperatively to transition management and operations of the school without disrupting the school's operations. The ESP shall perform this transition in a similar manner as described under Provision #24 based upon completion of the then-current school period.
24. ESP Agreements shall contain a provision that upon termination or expiration of the ESP Agreement, or the ESP Agreement is terminated due to a Contract revocation, reconstitution, termination or non-renewal, the ESP shall, without additional charge: (i) close the financial records on the then-current school fiscal year which includes, but is not limited to, the completion and submission of the annual financial audit, state and federal grant reporting and all other associated reporting within required timelines established by the appropriate local, state or federal authority; (ii) organize and prepare student records for transition to the new ESP, self-management or in the case of a school closure, transfer to a student's new school as designated by the student's parent / legal guardian or to a person or entity authorized to hold such records; (iii) provide for the orderly transition of employee compensation and benefits to the new ESP or self-management without disruption to staffing, or in the case of school closure, final payment of all employee compensation, benefit and tax obligations related to services provided by the ESP to the Academy; (iv) organize and prepare the Academy's records, both electronic and hard-copy, for transition to the new ESP, self-management or dissolution; and (v) provide for the orderly transition to the new ESP, self-management or dissolution of all Academy-owned assets including, but not limited to, furniture, fixtures, equipment and real estate. This includes any keys, log-in information and passwords related to any Academy asset.

D. Lease and Loan Agreement Provisions

1. If the Academy intends to enter into a lease, execute promissory notes or other negotiable instruments, or enter into a lease-purchase agreement or other financing relationships with the ESP, then such agreements must

be separately documented and shall not be a part of or incorporated into the ESP Agreement.

E. Amendments

1. In the event the ESP Agreement is amended, the submission requirements outlined in Section A apply. ESP amendments will be added to the Academy's Contract through the Contract amendment process identified in the Contract's Terms and Conditions.

- 1 "ESP Agreement" or "Management Agreement" is an agreement to provide comprehensive educational, administrative, management or instructional services or staff to a public school academy, as defined by the Code.
- 2 "Educational Service Provider," or "ESP," "Educational Management Organization" or "Educational Management Corporation" means an entity that enters into a Management Agreement with a public school academy, as defined by the Code.
- 3 Family members include: mother, mother-in-law, father, father-in-law, son, son-in-law, daughter, daughter-in-law, sister, sister-in-law, brother, brother-in-law, spouse or same-sex domestic partner.

Disclaimer: These Policies are not intended to be a checklist of items for inclusion in an ESP Agreement. Provisions not specifically addressed in these ESP Policies may be required by the Contract and/or applicable law. The Office of Education and Compliance strongly encourages the Academy Board and its legal counsel to review any proposed ESP Agreement to ensure that all provisions specific to the Academy Board have been adequately and appropriately addressed.

**Educational Service Provider (ESP) Legal Opinion Template
Exhibit A**

[DATE]

School District of the City of Highland Park
Highland Park, MI

[Name of Public School Academy]
[Name of City], MI

Re: [Name of Public School Academy] Educational Service Provider (ESP) Agreement with
[Name of ESP]

Ladies & Gentlemen:

In my capacity as legal counsel to [Name of Public School Academy] (the "Academy"), I have represented the Academy in connection with the proposed Educational Service Provider (ESP) Agreement between the Academy and [Name of ESP]. As Academy legal counsel, I have reviewed copies of the following documents:

1. The Educational Service Provider Agreement, dated as of [Month, Day, Year], (the "Agreement"), between the Academy and [Name of ESP].
2. The School District of the City of Highland Park Educational Service Provider Policies ("Policies").
3. The Contract to Charter a Public School Academy and Related Documents, dated [Month, Day, Year], (the "Contract"), issued by the School District of the City of Highland Park Board of Education to the Academy.

I have also reviewed other documents, instruments and Academy Board minutes related to the Provider of the Academy, which are required or have been requested by the District Board prior to the issuance of the Contract. I have also reviewed the articles of incorporation and bylaws of the Academy, and originals and copies of such other documents, records and statements of facts as I deemed relevant, and I have made such other investigations and inquiries, as I have determined necessary, for the purpose of rendering the opinions set forth herein. Based upon the foregoing, I am of the opinion that:

1. The Academy is a Michigan nonprofit corporation duly organized, validly existing and in good standing under the laws of the State of Michigan and has full power and authority to enter into the Agreement.
2. The Academy's execution, delivery and performance of the Agreement does not violate any term or provision in the Policies and, to the best of my knowledge after due inquiry, the Academy Board has complied with all terms and provisions in the Policies.
3. The Academy's execution, delivery and performance of the Agreement does not permit or require an improper delegation of the Academy Board's:
 - (a) statutory and fiduciary responsibilities under applicable law; or
 - (b) obligations and duties under the Contract.

In addition, the Agreement does not conflict with any of the provisions of the Contract.

Very truly yours,

[Name of Academy Legal Counsel]

School District of the City of Highland Park

Educational Service Provider Information Sheet Exhibit B

Pursuant to Section A, Academy Board Due Diligence, of the Educational Service Provider ("ESP") Policies established by the School District of the City of Highland Park, prior to executing an agreement with an ESP, the Academy Board shall perform sufficient due diligence to establish that the ESP has the appropriate financial resources, educational services and managerial experience to provide the contracted services. Prior to contracting with an ESP, the Academy Board shall obtain sufficient information to conclude that the ESP Agreement is in the best financial and educational interest of the Academy. At a minimum, and prior to the execution of an ESP Agreement, the Academy Board shall provide the following information to the Office of Education and Compliance:

ESP Name: _____

ESP Contact Person: _____

Address: _____ City, State Zip: _____

Telephone: _____ Fax: _____ Email: _____

In the spaces below (or on a separate sheet), please list the names of all ESP owners, shareholders, directors and or officers.

Name	Phone Number	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Indicate the organizational structure of the ESP:

- For Profit
 Non-Profit
 Limited Liability Corporation
 Other: _____
- State of Incorporation: _____
Has the ESP obtained authorization to do business in Michigan? Yes No

Has any principal or officer of the ESP, or the ESP (including any related organizations or organizations in which a principal or officer of the ESP served as a principal or officer) as a corporate entity, filed for bankruptcy protection within the five (5) years prior to execution of this ESP agreement? Yes No

In the space below, provide the following information on the ESP's primary banking institution:

Bank Name: _____ Contact Person: _____
Address: _____ Telephone: _____

In the space below, provide the following information on the ESP's legal counsel:

Firm Name: _____ Contact Person: _____
Address: _____ Telephone: _____

In the space below, provide the following information on the firm providing accounting or auditing services to the ESP:

Firm Name: _____ Contact Person: _____
Address: _____ Telephone: _____

Attach a copy of the Academy Board's draft legal opinion (according to Exhibit A), certifying to the District that the Academy Board has fulfilled all obligations as required in the ESP Policies.

Adopted 5/12/20